



CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING

Held in City Hall 1600 Nela Avenue
Held the 4th Tuesday of Every Month
Wednesday, January 03, 2024 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 5 member – Rainey Lane, Chairman

District 1 – David Woods, VChair

District 2 member – Christopher Shenefeld | District 3 member – Randy Holihan

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 at the City Clerk's office or the city's website at www.belleislefl.gov. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag** – Board Member Hobbs
3. **Appointment of Chairman and Vice Chairman - Sec 42-32(c)**
4. **Approval of Minutes**
 - a. Approval of the November 2023 P&Z Board meeting minutes
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)
 - 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.
 - 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.
6. **Other Business**
 - a. Live Local Update - City Planner
7. **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, November 28, 2023 * 6:30 PM

MINUTES

The Belle Isle Planning & Zoning Board met on November 28, 2023, 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 Holihan
Board member Hobbs
Board member Conduff

Absent was:

Board member Woods
Board member Squires

Also present were Interim City Manager Travis Grimm, 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 – Board Member Hobbs

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

3. Approval of Minutes

a. Approval of minutes - October 24, 2023

Board member Holihan moved to approve the October 24, 2023, minutes.

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

4. Public Hearings

a. Public Hearing #2023-10-009 - PURSUANT TO BELLE ISLE CODE SEC. 42-64, 50-73 (A), 50-74 (C) (3), AND 50-102 (A) (7), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A BUILDING SETBACK OF 21 FEET AND THREE INCHES FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 50-FOOT BUILDING SETBACK, A VARIANCE TO ALLOW AN IMPERVIOUS SURFACE RATIO OF 39.3 PERCENT WITHOUT PROVIDING FOR ONSITE RETENTION BASED ON THE DIFFERENCE OF THE THIRY FIVE PERCENT BASE IMPERVIOUS AREA FOR THE ZONING DISTRICT, AND A VARIANCE TO ALLOW A DECK SETBACK OF 20 FEET AND ONE INCH FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 30-FOOT DECK SETBACK, SUBMITTED BY APPLICANT ANTHONY GALLIPPI, LOCATED AT 2913 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4386-03-730.

Board member Thompson read Public Hearing 2023-10-009 by title.

Applicant Anthony Gallippi, residing at 2913 Cullen Lake Shore Drive, spoke briefly on his request. The property was purchased in 2017, and the prior owners were approved for a variance to build a structure exceeding the required setbacks. He wants to rebuild his pool and deck to add more grass to the property and decrease the ISR. His property is very long, has a lake on all three sides, and has met all the variance requirements.

Chairman Conduff opened for public comment.

- Brian Fery, residing at 2907 Cullen Lake Shore Drive, spoke in favor of the request and will improve the current conditions.
- Board member Shenefelt noted that the staff did receive another email in favor of the request (Mischelle Harmon, dated Nov 28, 2023).

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

City Planner Raquel Lazano gave a brief staff report and said the variance requests to allow a building setback of 21 feet and three inches from the normal-high water elevation of Lake Conway instead of the required 50-foot setback, a deck setback of 20 feet and one inch from the normal-high water elevation of Lake Conway instead of the required 30-foot deck setback, and an actual impervious surface ratio of 39.3 percent without providing onsite retention would not be harmful to the neighborhood. The staff has contacted the city's Code Enforcement Department, Public Works Department, and city engineers to verify reported drainage or flooding issues near the property. Staff found there are no reports or findings regarding these issues. Staff consider the requested variances not detrimental to public welfare.

Based on the variance criteria under section 42-64 (d-g), Staff recommends that the Board approve the requested variances to allow a building setback of 21 feet and three inches from the required 50-foot setback of the normal-high water elevation of Lake Conway, a deck setback of 20 feet and one inch from the required 30-foot deck setback to the normal-high water elevation of Lake Conway, and an allowable impervious surface ratio of 39.3 percent without creating onsite retention.

After Board discussion, Board member Shenefelt moved PURSUANT TO BELLE ISLE CODE SEC 42-64, 50-73 (A), 50-74 (C) (3), AND 50-102 (A) (7) TO APPROVE A BUILDING SETBACK OF 21 FEET AND THREE INCHES FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 50-FOOT BUILDING SETBACK, A VARIANCE TO ALLOW AN IMPERVIOUS SURFACE RATIO OF 39.3 PERCENT WITHOUT PROVIDING FOR ONSITE RETENTION BASED ON THE DIFFERENCE OF THE THIRTY-FIVE PERCENT BASE IMPERVIOUS AREA FOR THE ZONING DISTRICT, AND A VARIANCE TO ALLOW A DECK SETBACK OF 20 FEET AND ONE INCH FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 30-FOOT DECK SETBACK SUBMITTED BY APPLICANT ANTHONY GALLIPPI, LOCATED AT 2913 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4386-03-730.

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

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

Board member Hobbs noted that the scrivener's error should be corrected as follows, "...BASED ON THE DIFFERENCE OF THE ~~THIRY-FIVE~~ PERCENT..." It should read, "...BASED ON THE DIFFERENCE OF THE THIRTY-FIVE PERCENT."

- b. 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.**

Board member Thompson read Public Hearing 2023-09-028 by title.

Applicant Mark Adams, residing at 3104 Indian Drive, spoke briefly on his request. He said he requests approval to build a two-car garage on the back of the property. The variance is being sought because the costs of similar materials are high if made with block, approximately 452%. However, the building will have identical roof lines and a similar aesthetically pleasing pattern.

Mr. Adams said the garage will not have a driveway, will be used as storage for his motorcycle and lawn equipment, and will not be driven into. Ms. Lozano said the Code does require a driveway/prepared surface if it is used for parking vehicles in front of the structure. She noted that the staff had not received any objections from the neighbors.

City Planner Raquel Lazano gave a brief staff report and said the structure's purpose is to store the owner's motor vehicles. The homeowner does not intend to include a driveway to the proposed structure. Staff found three properties within the neighborhood with a detached garage in the front yard that is architecturally like the principal building. The proposed variance request is not in harmony with the purpose and intent of the land development code. According to the applicant's Narrative Letter, the request to build a garage with architectural materials different than those of the principal building is a financial hardship. A financial hardship is not an allowable basis for granting a variance approval. A hardship results from the conditions of the property.

Based on the variance criteria of sections 42-64 (d), (e), and (g), 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.

After discussion, the Board said they would like to see letters in favor of the request from the neighbors. The request does not meet the requirements and does not give the Board a lot of leeway to approve. If the Board denies the application, the applicant can appeal to the City Council, which has more authority to approve and forego the four requirements.

Board member Holihan moved to reschedule Public Hearing 2023-09-28 to January 23, 2023, at 6:30 pm to allow the applicant to obtain letters from their neighbors in favor or against the variance. Board member Shenefelt seconded the motion, which passed unanimously 5:0.

5. Other Business

Reschedule the December 26th Meeting

City Manager Grimm opened the meeting to discuss rescheduling the December 26th meeting. He stated that City Hall would be closed during the Christmas Holiday.

After discussion, Board member Holihan moved to consolidate December 26, 2023, and January 23, 2024, to January 3, 2024, at 6:30 pm.

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

Board member Holihan moved to reschedule the Public Hearing 2023-09-28 to January 3, 2024, at 6:30 pm. Board member Shenefelt seconded the motion, which passed unanimously 5:0.

City Manager Grimm requested an excused absence for Board members Woods and Squires.

Board member Holihan moved for an excused absence for Board members Woods and Squires.

Board member Thomspson seconded the motion which passed unanimously 5:0.

6. Adjournment

There being no further business, the meeting unanimously adjourned at 7:15 p.m.

MEMORANDUM

TO: Planning and Zoning Board
DATE: January 3, 2024
RE: Variance Application – 3104 Indian Drive
(Continued from November 28, 2023)

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.

Background:

1. On October 4, 2023, the applicant submitted a variance application and the required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Saturday, Nov 18, 2023.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on Nov 14, 2023.
4. On November 28, 2023, the P&Z Board moved to continue the discussion to a date certain of January 3, 2024, at 6:30 pm.
5. Letters to the abutting property owners were mailed within 300 feet of the subject property on Dec 19, 2023.

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 SEC. 42-64 AND 50-102 (A) (1), **TO APPROVE** 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.

SAMPLE MOTION TO DENY:

“I MOVE, PURSUANT TO BELLE ISLE CODE CODE SEC. 42-64 AND 50-102 (A) (1), HAVING NOT BEEN MET, **TO DENY** *[use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone]* A 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.

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	<i>Mark Adams</i>	OWNER	Mark Adams
ADDRESS		PROJECT ADDRESS	3104 Indian Drive Belle Island FL 32812
CONTACT NUMBER		OWNER'S CONTACT NUMBER	407-435-4930
EMAIL		OWNER'S EMAIL	mfa4533@aol.com
PARCEL ID#	29-23-30-4389-03-040		
LAND USE CLASSIFICATION	R-1-AA	ZONING DISTRICT	R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON 50-102 (a) (1) sentence 5			
DETAILED VARIANCE REQUEST for the detached garage to be build of unalike materials than the principal building is. CONTINUED FROM NOV 28 2023			
<ul style="list-style-type: none"> 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. 			
APPLICANTS SIGNATURE		OWNER'S SIGNATURE	
<i>[Signature]</i>		<i>[Signature]</i>	
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	P&Z CASE NUMBER 2023 09 028 DATE OF HEARING 11/28

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.

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

(2) Violations of conditions.

- a. In granting any variance, the Board may prescribe appropriate conditions and safeguards to comply with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which

the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the Board's discretion, such variance may be revoked for violation of the condition and safeguards.

- b. The Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed. Under no circumstances, except as permitted above, shall the Board grant a variance to allow a use not generally or by special exception allowed in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

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

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

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

General Information

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

FOR OFFICE USE ONLY: FEE: \$300	_____	_____	_____
	Date Paid	Check/Cash	Rec'd By

To: Whom it may concern,

My request is for variance of 50-102 (a) (1) sentence 5 part (and of like materials). My principal building is block construction and this part of sec 50-102 (a) (1) sentence 5 (and of like materials) causes unnecessary financial hardship. A block-built garage that will cost me 454% more when a metal garage that is architecturally similar serving the same purpose could be built. There are many residences in Belle Isle that have the principal building is of other materials that have a metal garage that is architecturally similar. I have investigated building with (of like materials) and the cost being four and half times more expensive to have the same outcome (architecturally similar) would be an unnecessary financial hardship and an unnecessary financial burden to me as a homeowner in Belle Isle. There will be no difference in effects due to this variance to adjacent properties or surrounding neighborhood as the variance I am asking for is for the (of like materials) to be varied for a metal garage.

Thank you,



Mark Adams

a.

Prepared by/ Return to:
Shannon Partin
Magnolia Title
2727 13th Street, St. Cloud, FL 34769
6030000228

as a necessary incident to the fulfillment of conditions contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s): 29-23-30-4389-03-040

WARRANTY DEED

This Warranty Deed Made the 17 day of February, 2023, by Deborah L. Kenney, a married woman, Michael L. Emery, a single man, Louis T. Emery, a married man, and Patricia K. Szirotnyak, hereinafter called the grantor, whose post office address is: 6909 Barby Lane, Belle Isle, FL 32812 to Mark F. Adams and Margaret V. Adams, husband and wife, whose post office address is: 3104 Indian Drive, Belle Isle, FL 32812, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$350,000.00 (THREE HUNDRED FIFTY THOUSAND AND 00/100) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in ORANGE County, Florida, viz:

Lot 4, Block C, LAKE CONWAY PARK, according to the plat thereof, as recorded in Plat Book G, Page(s) 138, of the Public Records of Orange County, Florida.

The Subject property is not the homestead of the Grantor under the Laws and Constitution of the State of Florida, in that neither Grantor or any members of the household of Grantor reside thereon.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2022, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

**SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE DISINTERESTED WITNESSES REQUIRED)**

Witness 1 Signature: [Signature]
Witness 1 Printed Name: Shannon Partin

[Signature]
Deborah L. Kenney

Witness 2 Signature: [Signature]
Witness 2 Printed Name: Nelida Rivera

[Signature]
Michael L. Emery

STATE OF Florida
COUNTY OF Osceola

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 10 day of February, 2023 by Deborah L. Kenney, a married woman, Michael L. Emery, a single man, who has/have produced drivers license as identification.

[Signature]
Notary Public Signature
Printed Name: Shannon Partin

My Commission Expires: _____ (SEAL)

9

**SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE DISINTERESTED WITNESSES REQUIRED)**

Witness 1 Signature: [Signature]
Witness 1 Printed Name: Shannon Partin

[Signature]
Louis T. Emery

Witness 2 Signature: [Signature]
Witness 2 Printed Name: Nelida Rivera

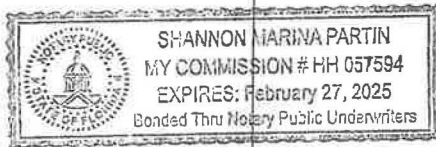
STATE OF Florida
COUNTY OF Osceola

The foregoing instrument was acknowledged before me by means of physical presence or online notarization
this 15 day of February, 2023 by Louis T. Emery, a married man, who has/have produced
driver's license as identification.

[Signature]
Notary Public Signature
Printed Name: Shannon Partin

My Commission Expires: _____ (SEAL)

Online Notary (Check Box if acknowledgment done by Online Notarization)



a.

**SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE DISINTERESTED WITNESSES REQUIRED)**

Witness 1 Signature: *Karla Fresia*
Witness 1 Printed Name: Karla Fresia

Patricia K. Szirotnyak
Patricia K. Szirotnyak

Witness 2 Signature: *Tanner Ott*
Witness 2 Printed Name: Tanner Ott

STATE OF Arkansas
COUNTY OF Marion

The foregoing instrument was acknowledged before me by means of physical presence or online notarization
this 14th day of February, 2023 by Patricia K. Szirotnyak, who has/have produced
Arkansas D.L. as identification.

David R Drake
Notary Public Signature
Printed Name:

My Commission Expires: 10/25/30
(SEAL)

Online Notary (Check Box if acknowledgment done by Online Notarization)

DAVID R DRAKE
MARION COUNTY
NOTARY PUBLIC – ARKANSAS
My Commission Expires October 25, 2030
Commission No. 12378881



City of Belle Isle
 Universal Engineering Sciences 3532 Maggie Blvd., Orlando, FL 32811
 Tel 407-581-8161 * Fax 407-581-0313 * www.universalengineering.com

10 AUG 10 2023

Building Permit (Land Use) Application
 To be completed as required by State Statute Section 713 and other applicable sections.

PERMIT # 2023-08-030

Owner's Name Mark Adams
 Owner's Address 3104 Indian Dr. Belle Isle FL 32812

Contractor Name <u>Home Owner</u> <u>Marcus Adams</u>	Company Name <u>N/A</u>
License # <u>N/A</u>	Company Address <u>N/A</u>
Contact Phone/Cell <u>407-435-4930</u>	City, State, ZIF <u>N/A</u>
Contact Email <u>MFA 4533@aol.com</u>	Contact Fax <u>N/A</u>

WARNING TO OWNER: Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. A notice of commencement must be recorded if job is \$2500(+) or if A/C Replacement \$7500(+) and posted on the job site before the first inspection. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.

I hereby make Application for Permit as outlined above, and if same is granted I agree to conform to all Division of Building Safety Regulations (www.floridabuilding.org) and City Ordinances (www.municode.com) regulating same and in accordance with plans submitted. The issuance of this permit does not grant permission to violate any applicable City and/or State of Florida codes and/or ordinances. Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for all other construction including ROOFING, ELECTRICAL, MECHANICAL, PLUMBING, GAS, SIGNS, POOLS, SCREEN ENCLOSURES, ETC.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

Owner Signature [Signature]
 The foregoing instrument was acknowledged before me this 10 August 2023
 by MARCUS F. ADAMS who is personally known to me
 and who produced Q 752 546 71 1390
 as identification and who did not take an oath.
 Notary as to Owner
 State of Florida
 County of Orange



Contractor Signature _____
 COMPANY NAME _____
 The foregoing instrument was acknowledged before me this ___/___/___
 by _____ who is personally known to me
 and who produced _____
 as identification and who did not take an oath.
 Notary as to Owner
 State of Florida
 County of Orange

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

- Total Lot Area (sqft) X 0.35 = Allowable Impervious Area (BASE).
 Total Lot Area 15080 X 0.35 =
 Allowable Impervious Area (BASE) 5278
- 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 1520
 - Driveway 664
 - Walkway 144
 - Accessory Buildings 546
 - Pool & Spa _____
 - Deck & Patio 1436.62
 - Other _____
 Actual Impervious Area (AIA) 3764.62 4310.62
- 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

2023.08.030

a.

Sheet 1 of 2 (Sketch of Survey) - See Sheet 2 of 2 for Legal Description, Certifications, Property and other Survey related data. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

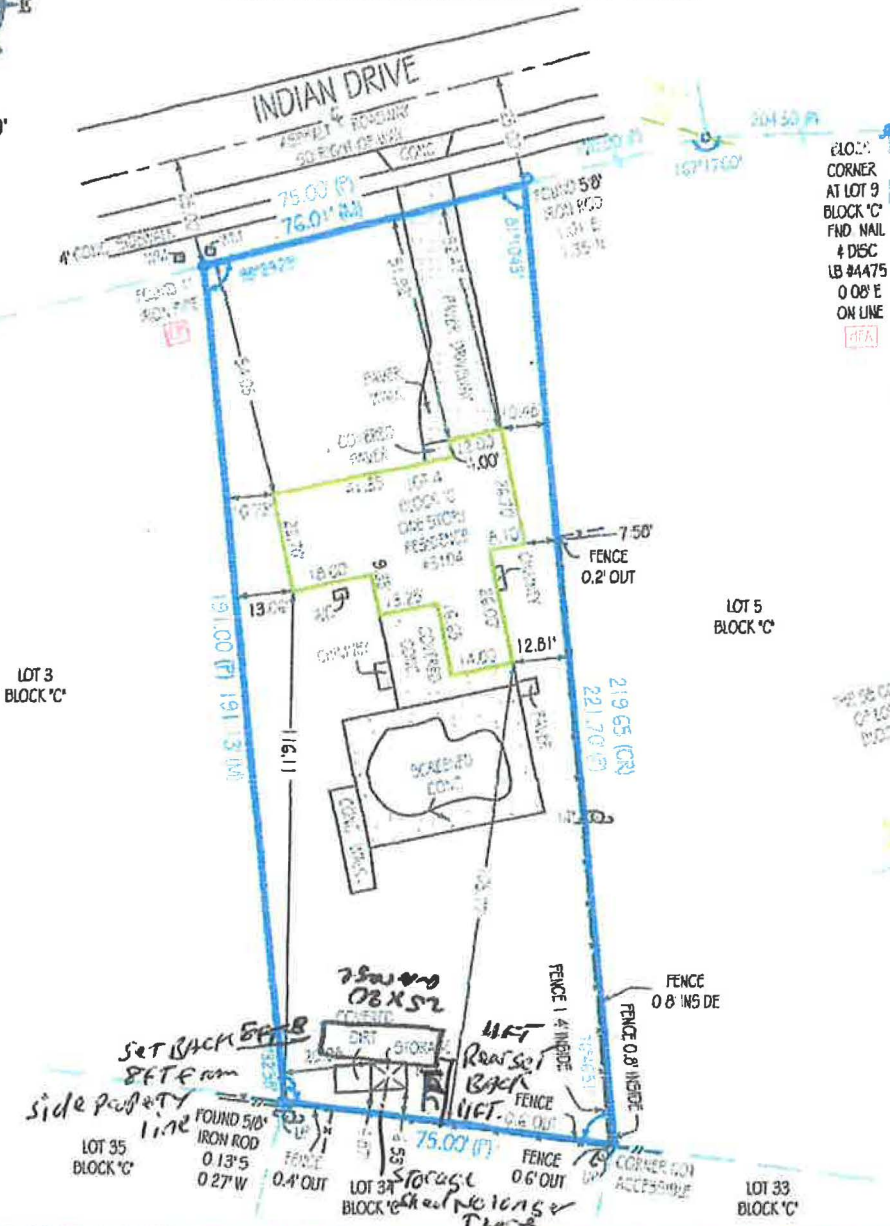


SCALE: 1"=40'

BEARING REFERENCE:
NONE. RECORD INFORMATION RELIANT UPON ANGULAR DATA ONLY.
ALL ANGULAR DATA SHOWN HEREON REFERENCED THERETO.



AERIAL PHOTOGRAPH
GRAY NOT SHOW LATEST IMPROVEMENTS



LOC: CORNER AT LOT 9 BLOCK 'C' FND NAIL # DISC LB #4475 0 08' E ON LINE

APPROVED FOR RECORD
AUG 10 2023

THE SW CORNER OF PARCEL 01-28-23-30-4289-01-150 FOUND 5/8" IRON ROD 0.1' E 0.190'

CP = CONTROLLING POINT (POINT OF ROTATION) *HFA* = HELD FOR ALIGNMENT - ALL OTHER MONUMENTATION AND IMPROVEMENTS RELATIVE THERETO
Platted Easements, Notable or Adverse Conditions (unplatted easements also listed if provided by client): IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN HEREON AND THEIR RELATIONSHIP TO THE BOUNDARY LINE
- NO NOTABLE CONDITIONS FOUND.

This survey has been issued by the following
Landtec Surveying office:
700 West Hillsboro Boulevard, Suite 4-100
Deerfield Beach, FL 33441
Office: (561) 367-3587
Fax: (561) 465-3145
www.Landtecsurveying.com

Elevations, if shown:
Benchmark: _____
Benchmark Elev.: _____
Benchmark Datum: _____
Elevations on Drawing are in:
N.G.V.D.29 N.A.V.D.88

Revisions: Job Nr: 163615-CE Date of Field Work: 02/10/2023 Drawn by: V. M.



LICENSED BUSINESS No. 6507

Sheet 2 of 2 (Survey Related Data) - See Sheet 1 of 2 for Sketch of Survey, SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

TYPE OF SURVEY:

- BOUNDARY
- CONSTRUCTION
- CONDOMINIUM
- ALTA/NSPS
- TOPOGRAPHIC
- SPECIAL PURPOSE

PURPOSE OF SURVEY (SEE GENERAL NOTES BELOW):

Purchase/Refinance

LEGAL DESCRIPTION:

Lot 4, Block C, LAKE CONWAY PARK, according to the plat thereof, as recorded in Plat Book G, Page(s) 138, of the Public Records of Orange County, Florida

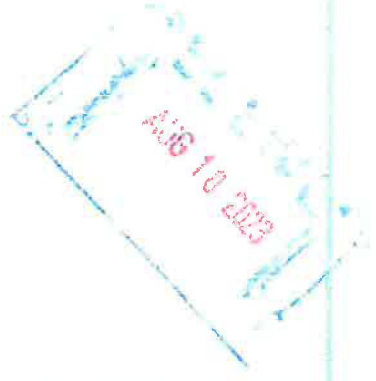
PROPERTY ADDRESS:
3104 INDIAN DRIVE
BELLE ISLE, FL 32812

INVOICE NUMBER: 163615-CE
DATE OF FIELD WORK: 02/10/2023

CLIENT FILE: 6030000228

CERTIFIED TO
MAGNOLIA TITLE
AGENTS NATIONAL TITLE INSURANCE COMPANY
MARK F. ADAMS AND MARGARET V. ADAMS

FLOOD ZONE: X
FLOOD MAP: 112095C
PANEL: 0430
SUFFIX: F
PANEL DATE: 09/25/2009



PLATTED EASEMENTS, NOTABLE OR ADVERSE CONDITIONS (UNPLATTED EASEMENTS ALSO LISTED IF PROVIDED BY CLIENT):
IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN HEREON AND THEIR RELATIONSHIP TO THE BOUNDARY LINE.

ABBREVIATION LEGEND (SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING)

A OR AL = ARC LENGTH	BU = ELECTROMETER	P = PLAT	QTR = QUARTER
CA = CLEARCUT	FFE = FINISHED FLOOR ELEV.	PC = POINT OF CURVE	R = RADIUS
CA = CENTRAL ANGLE	FR = FOUNDATION	PCG = POINT OF COMPOUND CURVE	RHS = RANGE
CAVY = CABLE TV RISER	FN = FOUNDATION	PH = POOL HEATER	SEC = SECTION
CF = CALCULATED FROM FIELD	FND = FOLIO	PI = POINT OF INTERSECTION	TR = TELEPHONE RISER
CH = CHORD DISTANCE	Q.F.F. = GARAGE FINISHED FLOOR	POB = POINT OF BEGINNING	TWP = TOWNSHIP
CONC = CONCRETE	Q.F.F. = GARAGE FINISHED FLOOR	POC = POINT OF COMMENCEMENT	UE = UTILITY EASEMENT
CR = CALCULATED FROM RECORD	L = LEGAL DESCRIPTION	PP = POOL PUMP	UP = UTILITY POLE
DE = DRAINAGE EASEMENT	M = MEASURED	PRC = POINT OF REVERSE CURVE	WH = WATER METER
EL OR ELEV = ELEVATION	DNG = OVERHEAD CABLE	PT = POINT OF TANGENCY	WM = WATER VALVE

SYMBOLS (SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING - NOT TO SCALE)

⊕ = UTILITY POLE	⊙ = WELL	♿ = HANDICAP PARKING SPACE
☆ = LIGHT POLE	⊕ = CENTER LINE	
⊕ = CATCH BASIN	⊕ = PARTY WALL	
⊕ = FIRE HYDRANT	⊕ = AIR CONDITIONER	⊕ = SEC. QTR. CORNER
⊕ = MANHOLE	⊕ = SEPTIC LID	⊕ = SECTION CORNER
⊕ = WATER VALVE	X = ELEV. SHOT	
⊕ = WATER METER		

LINETYPES:

BOUNDARY	---
BUILDING	---
EASEMENT	---
CHAIN LINK FENCE	---
WOOD FENCE	---
PLASTIC FENCE	---
OVERHEAD CABLE	---

GENERAL NOTES:

- THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
- AS INDICATED ABOVE, UNDER "PURPOSE OF SURVEY", IF THIS SURVEY HAS BEEN PREPARED FOR A PURCHASE OR REFINANCE, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES, AND IS NOT INTENDED FOR USE IN DESIGN OR CONSTRUCTION PURPOSES. RECIPIENTS MUST CONTACT OUR OFFICE FOR APPROVAL PRIOR TO SUCH USE. LANDTEC SURVEYING ASSUMES NO RESPONSIBILITIES FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
- ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES. DETERMINATION OF FENCE POSITIONS SHOULD BE BASED SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
- GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
- UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
- ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1885) AS SHOWN ON SHEET 1.
- ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
- ANY CORNERS SHOWN AS "SET" HAVE EITHER BEEN SET ON THE DATE OF FIELD WORK, OR WILL BE SET WITHIN 2 BUSINESS WEEKS OF SAID DATE AND ARE IDENTIFIED WITH A CAP MARKED LS (LICENSED SURVEYOR) #7274.

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS OUTLINED IN CHAPTER 61-17.051 & 61-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 61-17.062, PURSUANT TO SECTION 472.025, FLORIDA STATUTES.



Digitally signed
by Pablo
Alvarez
Date:
2023.02.13
14:09:43 -05'00'

DATE: 02/13/2023

SIGNATURE

PABLO A. ALVAREZ - PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 7274 (NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR THE ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

PRINTING INSTRUCTIONS:

WHEN PRINTING THIS PDF IN ADOBE, SELECT "ACTUAL SIZE" TO ENSURE CORRECT SCALING. DO NOT USE "FIT".



LICENSED BUSINESS No. 8507





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APPROVED PRODUCTS LIST

PRODUCT CATEGORY	SUB CATEGORY	MANUFACTURER	APPROVAL No. & DATE
STRUCTURAL COMPONENTS	ROOF DECK	CAROLINA CARPORTS, INC 26 Gauge AG Panel	FL6596 1-R6 12/15/20
STRUCTURAL COMPONENTS	STRUCTURAL WALL	CAROLINA CARPORTS, INC 26 Gauge AG Panel	FL6702 1-R6 12/15/20
EXTERIOR DOORS	SWINGING	ELIXIR DOOR AND METAL COMPANY Series 407	FL17996 5-R2 02/28/21
EXTERIOR DOORS	ROLL-UP	CAROLINA CARPORTS, INC. Steel Roll-Up Sheet Door - (16' Max. Width)	FL16806 3-R5 12/16/20

METAL FRAMING AND SIDING PREFABRICATED BY CAROLINA CARPORTS, INC. P.O. BOX 1263 DOBSON, NORTH CAROLINA 27017

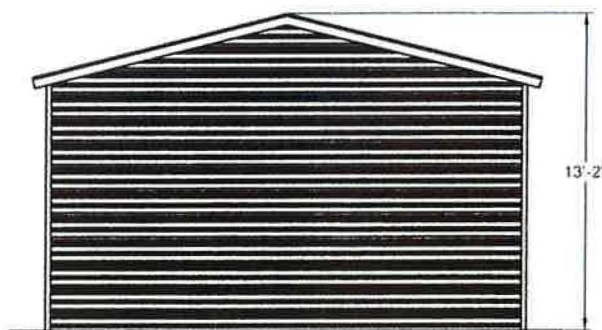
THESE ENGINEERING DRAWINGS ARE THE PROPERTY OF BECHTOL ENGINEERING & TESTING, INC. AND CAROLINA CARPORTS, INC. THESE DRAWING MAY NOT BE REPRODUCED WITHOUT THE WRITTEN CONSENT OF BECHTOL ENGINEERING & TESTING, INC., AND CAROLINA CARPORTS, INC. THIS IS TO CERTIFY THAT THE CALCULATIONS AND SPECIFICATIONS HEREIN HAVE BEEN PREPARED BY THE UNDERSIGNED PROFESSIONAL ENGINEER, AND ARE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1609 OF THE FLORIDA BUILDING CODE, SEVENTH EDITION (2020).

GENERAL NOTES:

- THESE PLANS PERTAIN ONLY TO THE STRUCTURE, INCLUDING MAIN WIND FORCE RESISTING SYSTEM, COMPONENTS AND CLADDING, AND BASE RAIL ANCHORAGE. OTHER DESIGN ISSUES, INCLUDING BUT NOT LIMITED TO PLUMBING, ELECTRICAL, INGRESS/EGRESS, PROPERTY SET-BACKS, FINISH FLOOR ELEVATION AND SLOPE, OR OTHER LOCAL ZONING REQUIREMENTS ARE THE RESPONSIBILITY OF OTHERS.
- THESE STRUCTURES ARE DESIGNED AS NON-HABITABLE UTILITY / STORAGE BUILDINGS (RISK CATEGORY I) CAPABLE OF SUPPORTING DEAD LOAD OF THE STRUCTURE AND APPLICABLE LIVE AND WIND LOADS. IMPROVEMENTS NOT SPECIFICALLY ADDRESSED HEREIN, INCLUDING DOORS, WINDOWS, SOLAR PANELS, LIGHTING, INTERIOR WALL(S), CEILING FIXTURES, OR OTHER COMPONENTS NOT LISTED IN THE FBC APPROVED PRODUCTS LIST (THIS SHEET), AND NOT PROVIDED AND INSTALLED BY CAROLINA CARPORTS, INC., WHICH EXERT ADDITIONAL LOADS ON THE STRUCTURE SHALL BE AT THE OWNER'S RISK. BECHTOL ENGINEERING AND TESTING, INC., SHALL NOT BE RESPONSIBLE FOR STRUCTURAL DAMAGE OR FAILURE DUE TO THE APPLICATION OF ADDITIONAL LOADS.
- ALL STEEL TUBING SHALL BE 50 KSI GALVANIZED STEEL. ALL FASTENERS SHALL BE GALVANIZED OR STAINLESS STEEL.
- ALL COMPONENTS AND CLADDING SHALL BE INSTALLED ACCORDING TO MANUFACTURER'S INSTALLATION INSTRUCTIONS.
- ALL FIELD FRAMING CONNECTIONS SHALL BE #12-14 x 3/4" SELF DRILLING SCREWS WITHOUT CONTROL SEAL WASHER. ALL SHOP FRAMING CONNECTIONS SHALL BE WELDED.
- CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 2500 PSI AT 28 DAYS. THE REINFORCING STEEL SHALL BE MINIMUM GRADE 40. CONCRETE SLAB FOUNDATIONS SHALL BE REINFORCED WITH 6x6 - W1.4xW1.4 WELDED WIRE FABRIC COMPLYING WITH ASTM A 185, OR WITH SYNTHETIC FIBER REINFORCEMENT COMPLYING WITH ASTM C1116.
- CONCRETE ANCHORS SHALL BE TAPCON REDHEAD LDT 1/2" x 5" OR EQUIVALENT.
- POST/RAFTER BRACING: BRACE ON EVERY POST/RAFTER CONNECTION, EXCEPT FOR END WALLS AND GABLE ENDS.
- SLAB FOUNDATION SUBGRADE SOILS SHALL BE TERMITE TREATED AND COVERED WITH 6 MIL VAPOR RETARDER PER SECTION R318.1 OF THE FLORIDA BUILDING CODE SEVENTH EDITION (2020) - RESIDENTIAL, AND SECTION 1816.1 OF THE FLORIDA BUILDING CODE SEVENTH EDITION (2020) - BUILDING. SOIL LOAD BEARING PRESSURE OF 2000PSF IS ASSUMED.
- 14 GA FRAMING: 2-1/2" x 2-1/2" TUBE STEEL (TS) WITH 2-1/4" x 2-1/4" TS NIPPLES.
12 GA FRAMING: 2-1/4" x 2-1/4" TS WITH 2" x 2" TS NIPPLES.
- FOR ROOF SLOPES LESS THAN 7 DEGREES, SEAL ALL PANEL OVERLAPS WITH BUTYL TAPE OR OTHER SUITABLE SEALANT.
- FOR CONTINUOUS REINFORCING, MINIMUM BAR OVERLAP SHALL BE 40 BARS DIAMETERS (25" FOR #5 REBAR)

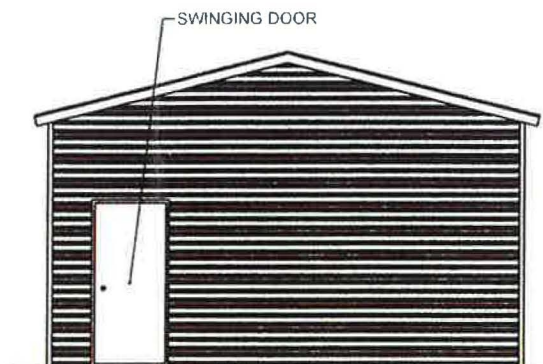
OCCUPANCY GROUP	U
CONSTRUCTION TYPE	II-B
RISK CATEGORY:	I
BUILDING ENCLOSURE TYPE:	ENCLOSED
WIND EXPOSURE CATEGORY:	D
ULTIMATE WIND SPEED (MPH)	130
NOMINAL DESIGN WIND SPEED (MPH):	101
MEAN ROOF HEIGHT (FEET):	11.25
ROOF ANGLE (DEGREES):	14.0
INTERNAL PRESSURE COEFFICIENT:	+0.18 / -0.18
DESIGN PRESSURES (PSF):	
ROOF:	
ZONE 1:	+16.0 / -30.2
ZONE 2a:	+16.0 / -30.2
ZONE 2b:	+16.0 / -49.7
ZONE 2c:	+16.0 / -49.7
ZONE 3a:	+16.0 / -49.7
ZONE 3b:	+16.0 / -57.5
WALLS:	
ZONE 4:	+24.1 / -26.4
ZONE 5:	+24.1 / -30.4
SWINGING DOOR:	+25.7 / -33.6
ROLL-UP DOOR:	+22.4 / -24.7

NOTE: 14 GA FRAMING



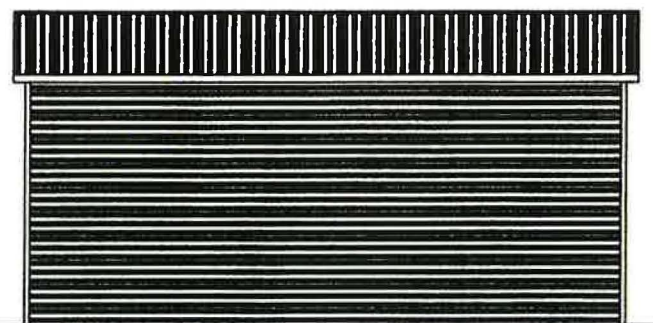
FRONT ELEVATION

SCALE: 1/8" = 1'



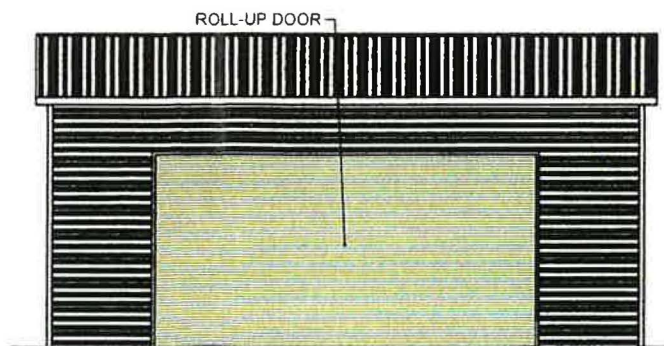
REAR ELEVATION

SCALE: 1/8" = 1'



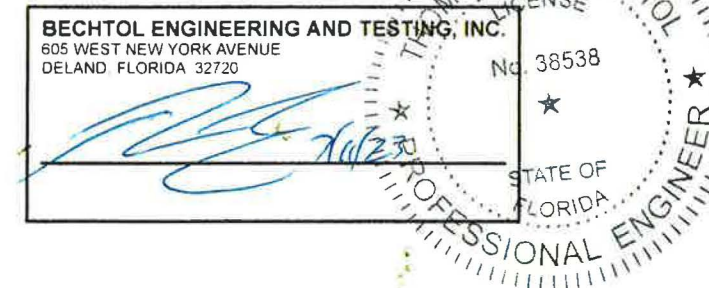
LEFT SIDE ELEVATION

SCALE: 1/8" = 1'



RIGHT SIDE ELEVATION

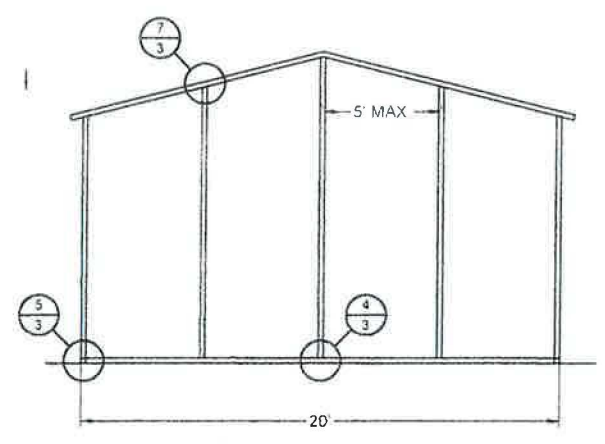
SCALE: 1/8" = 1'



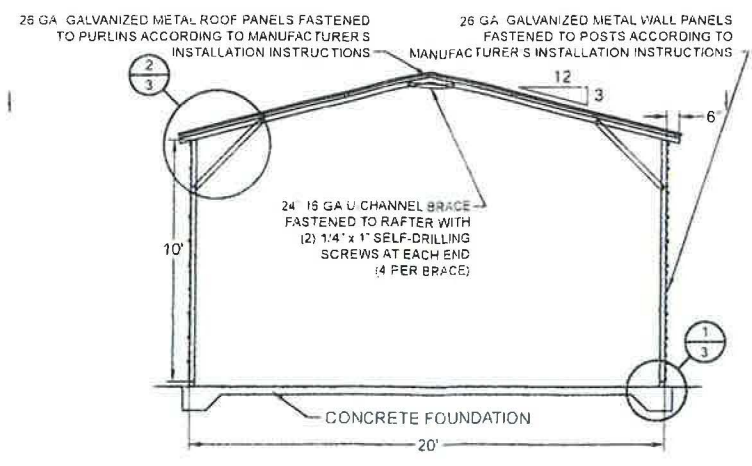
PROPOSED UTILITY STRUCTURE
3104 INDIAN DRIVE
 BELLE ISLE, ORANGE COUNTY, FLORIDA

BECHTOL ENGINEERING AND TESTING, inc.
 CONSULTING (GEO)TECHNICAL, ENVIRONMENTAL, AND MATERIALS TESTING ENGINEERS
 (Certificate of Authorization No. 30000-00)

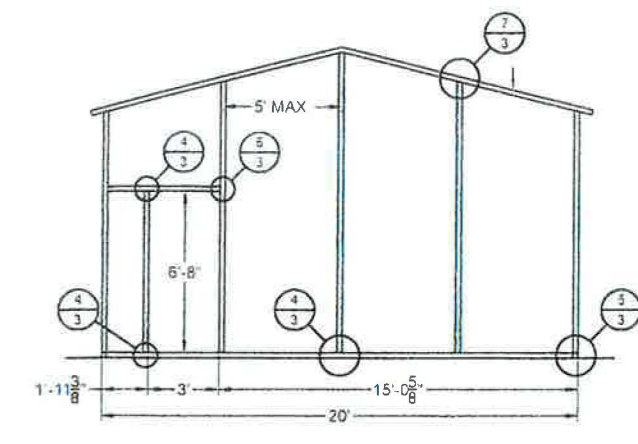
FIELD	DATE
DESIGNER ZS	05/23/2023
CHECKED CS/LP	SCALE NTS
APPROVED ZS/LP	DRAWING NO. G23001
	SHEET 1 OF 17



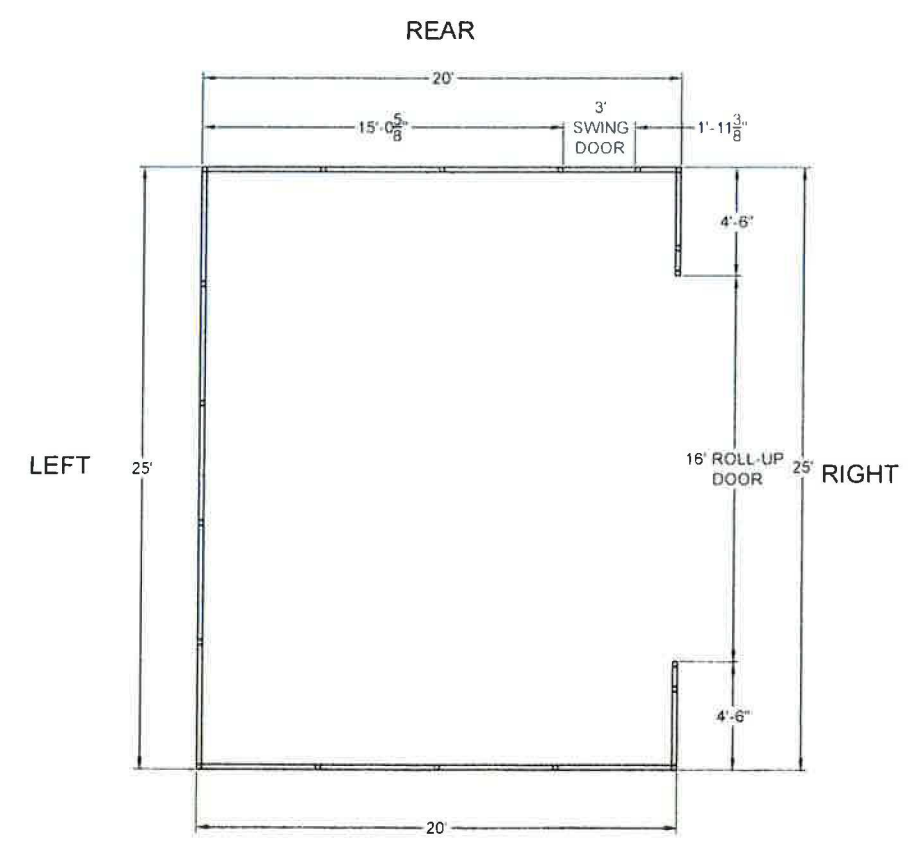
FRONT POST/RAFTER FRAMING PLAN
SCALE 1/8" = 1'



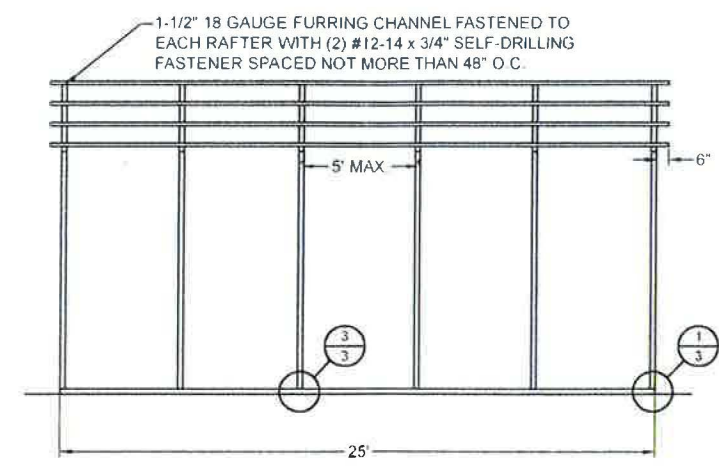
TYPICAL INTERIOR POST/RAFTER FRAMING SECTION (FRONT VIEW)
SCALE 1/8" = 1'



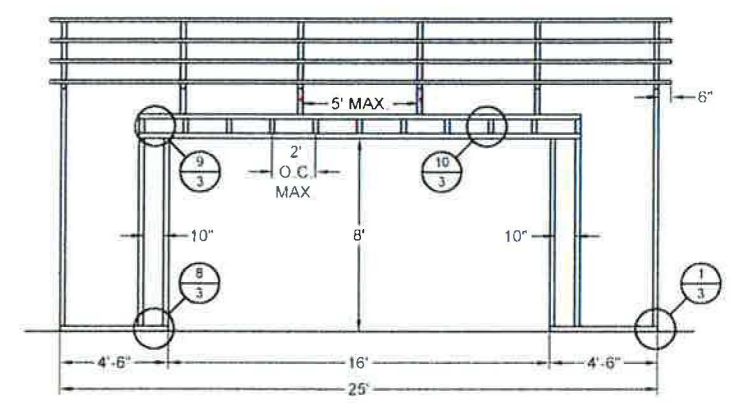
REAR POST/RAFTER FRAMING PLAN
SCALE 1/8" = 1'



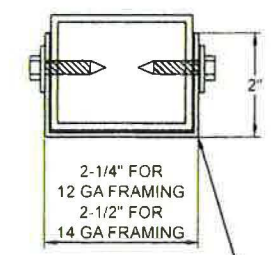
BASE RAIL LAYOUT
SCALE 1/8" = 1'



LEFT SIDE POST/RAFTER FRAMING PLAN
SCALE 1/8" = 1'



RIGHT SIDE POST/RAFTER FRAMING PLAN
SCALE 1/8" = 1'



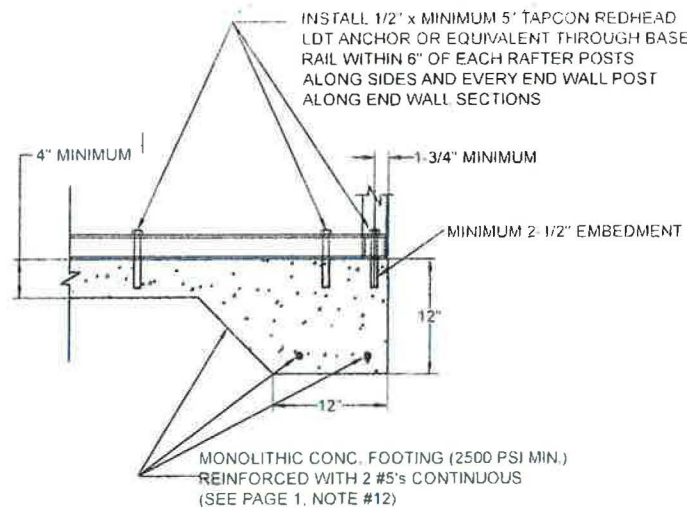
BRACE SECTION
Not To Scale



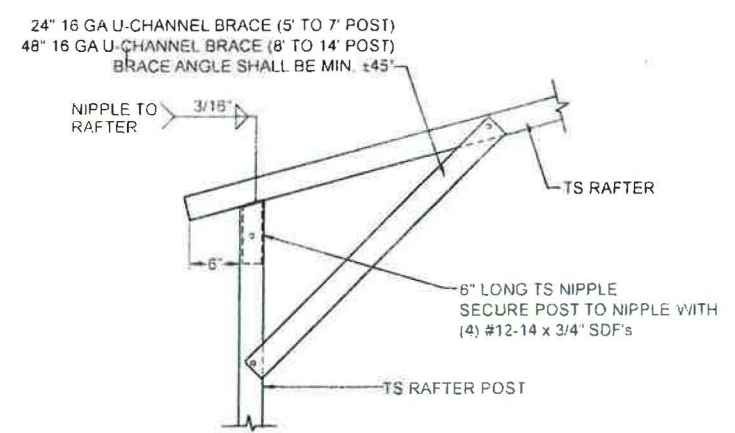
BECHTOL ENGINEERING AND TESTING, INC.
605 WEST NEW YORK AVENUE
DELAND FLORIDA 32720

PROPOSED UTILITY STRUCTURE			
3104 INDIAN DRIVE			
BELLE ISLE, ORANGE COUNTY, FLORIDA			
FIELD	DATE	SCALE	05/23/2023
DESIGN	ZS	SCALE	NTS
CHECKED	CS/LP	PROJECT NO.	G23001
APPROVED	ZS/LP	SHEET	2 OF 18

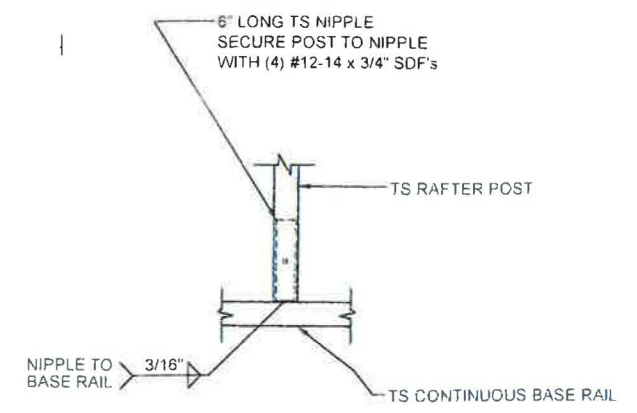
BECHTOL ENGINEERING AND TESTING, inc.
CONSULTING GEOTECHNICAL, ENVIRONMENTAL, AND MATERIALS TESTING ENGINEERS
CONTRACT & AUTHORIZATION NO. 30005492



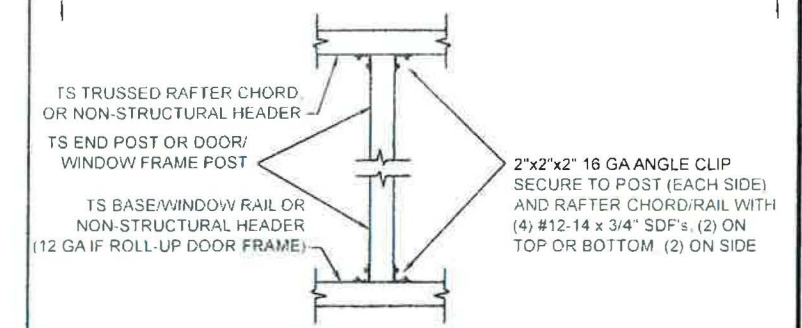
1 CONCRETE BASE RAIL ANCHORAGE
Not To Scale



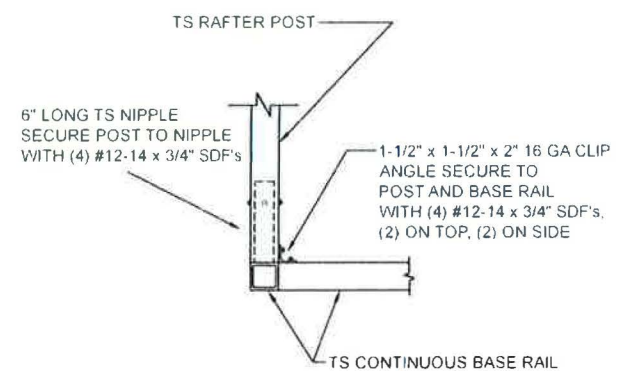
2 BOX EAVE RAFTER/POST DETAIL REAR
Not To Scale



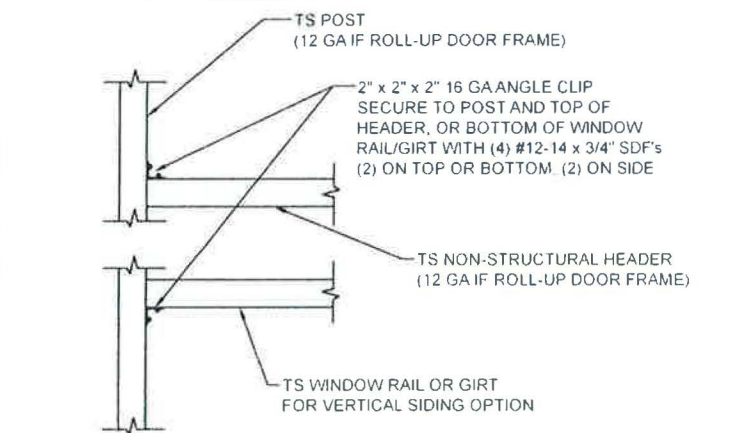
3 POST/BASE RAIL CONN. DETAIL
Not To Scale



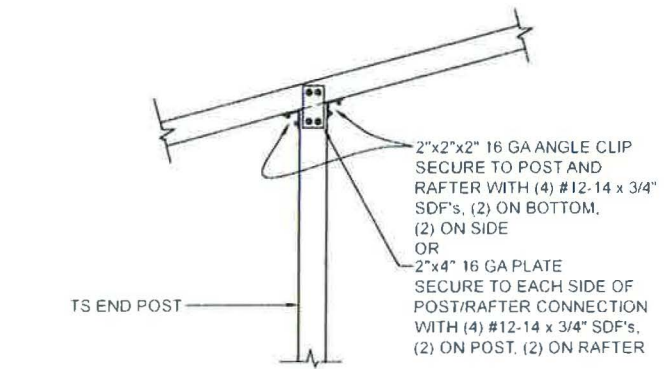
4 POST TO RAIL, TRUSS CHORD, OR NON-STRUCTURAL HEADER CONN. DETAIL
Not To Scale



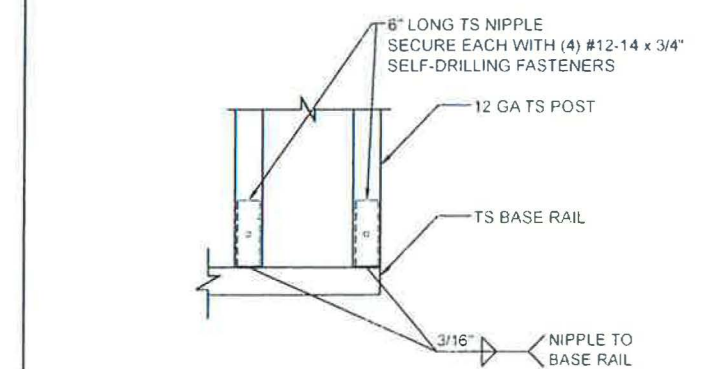
5 END POST/BASE RAIL CONN.
Not To Scale



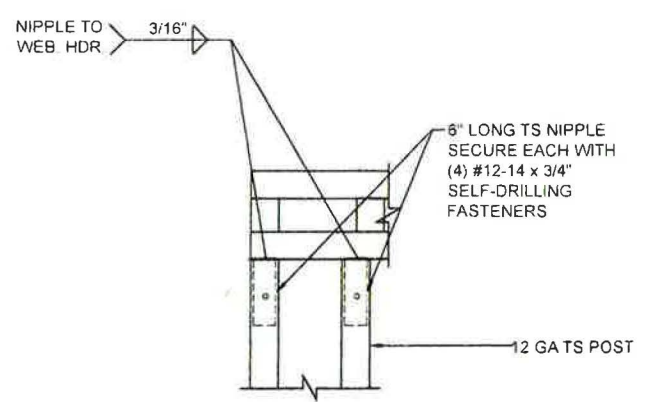
6 NON-STRUCTURAL HEADER, WINDOW RAIL, OR GIRT TO POST CONN. DETAIL
Not To Scale



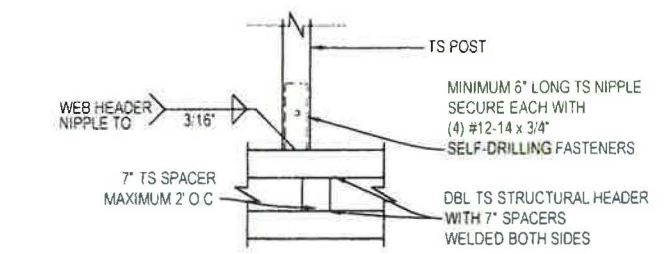
7 END POST/RAFTER CONN. DETAIL
Not To Scale



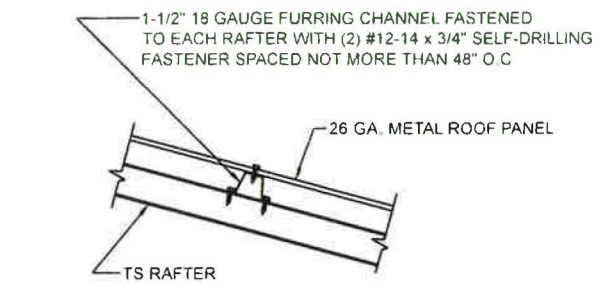
8 RAFTER POST/BASE RAIL CONNECTION DETAIL
Not To Scale



9 RAFTER POST/WEB HEADER DETAIL
Not To Scale



10 WEB HEADER TOP/RAFTER POST CONNECTION DETAIL
Not To Scale



ROOF PANEL ATTACHMENT
Not To Scale

Professional Engineer Seal for Thomas R. H. Bechtol, License No. 108538, State of Florida.

BECHTOL ENGINEERING AND TESTING, INC.
605 WEST NEW YORK AVENUE
DELAND FLORIDA 32720

Thomas R. H. Bechtol

PROPOSED UTILITY STRUCTURE
3104 INDIAN DRIVE
BELLE ISLE, ORANGE COUNTY, FLORIDA

DATE	05/23/2023
SCALE	NTS
PROJECT NO.	G23001
SHEET NO.	19

BECHTOL ENGINEERING AND TESTING, inc.
CONSULTING GEOTECHNICAL, ENVIRONMENTAL, AND MATERIALS TESTING ENGINEERS
Certified by Florida Board of Professional Engineers

DESIGNED: ZS
CHECKED: CS/LP
APPROVED: ZS/LP



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

December 20, 2023

Variance Request: 3104 Indian Drive

Application Request: 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 TO 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.

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

Background

The applicant seeks to build a detached metal garage in the rear yard.

Section 50-102 (A) (1) defines a garage as: *buildings which are detached from the principal building and are designed or used for the purpose of parking and/or storing motor vehicles, boats, and/or recreational vehicles, and related items, and are architecturally similar to the principal building and of like materials.*

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 nor are there any physical or topographic special conditions and circumstances peculiar to the land. The existing principal building accommodates an attached one-car garage.

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

According to the applicant’s Narrative Letter, the request to build a garage with architectural materials different than those of the principal building is a financial hardship. A financial hardship is not an allowable basis for granting a variance approval. A hardship results from the conditions of the property.

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

The variance request does make reasonable use of the land as the proposed structure meets all other zoning requirements for a detached garage and would not be visible from the main road as the side yard is ten to thirteen feet and the proposed structure's side setback of eight feet from the nearest lot line.

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

The structure's purpose is to store the owner's motor vehicles. The homeowner does not intend to include a driveway to the proposed structure. Staff found three properties within the neighborhood that possess a detached garage in the front yard architecturally similar to the principal building. 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), 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, and does not meet the purpose and intent of the city code.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

December 19, 2023

To Belle Isle Planning and Zoning,

I am writing you about the proposed variance for a metal garage that Mark Adams at 3104 Indian Drive Belle Isle, Florida 32812 wants to build in his backyard. I understand and consent to the variance request for his metal garage to be built in his backyard. I understand and consent to the location of the metal garage that Mark is hiring a company to build it in his backyard with panel direction and colors to look like his house.



ROBERT LANGLOTZ

3116 Indian Drive

Belle Isle, FL 32812

407 421 2419

MEMORANDUM

TO: Planning and Zoning Board

DATE: January 3, 2024

RE: Variance Application – 3606 Quando Drive

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.

Background:

1. On November 15, 2023, 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 Dec 19, 2023.
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., Dec 23, 2023.

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 SEC. 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.

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 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.

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

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

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

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

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

MEMORANDUM

TO: Planning and Zoning Board
DATE: January 3, 2024
RE: Variance Application – 3606 Quando Drive

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.

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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 SEC. 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.

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 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.

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

b.

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	Jon Bergman + Danielle Bergman	OWNER	Jon + Danielle Bergman
ADDRESS	3606 Quando Dr.	PROJECT ADDRESS	3606 Quando Dr.
CONTACT NUMBER	440-334-3432	OWNER'S CONTACT NUMBER	440-334-3432
EMAIL	jcb7628@yahoo.com	OWNER'S EMAIL	jcb7628@yahoo.com
PARCEL ID#	20-23-30-1646-00-910		
LAND USE CLASSIFICATION	0131-Str. Canal Front	ZONING DISTRICT	R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON	50-73		
DETAILED VARIANCE REQUEST We're requesting to reduce the current 30ft. setback of our garage to 20ft. to have additional sq. ft. to accommodate an elderly parent that will be a dependent. Our neighbor at 3600 Quando Dr. has also reduced their setback through a variance and our intent is to accomplish something similar. * See Attached Documents			
<ul style="list-style-type: none"> 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. 			
APPLICANTS SIGNATURE		OWNER'S SIGNATURE	
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	P&Z CASE NUMBER 2023-11-026
			DATE OF HEARING 01/03/2024

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



- 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	11/15/23	455905	LS
	Date Paid	Check/Cash	Rec'd By



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.



CITY OF BELLE ISLE, FLORIDA

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

Mayor
William G. Brooks,
PE

City Manager
Keith Severns

Planning & Zoning
Board of
Commissioners

David Woods
Chairman
District 1

Bo Bradford
Vice Chairman
District 2

Ben Bateman
District 3

Greg Templin
District 4

Todd Tatum
District 5

John McLeod
District 6

Nicholas Fouraker
District 7

October 22, 2013

Brett and Jeanette Bartos
3600 Quando Drive
Belle Isle, Florida, 32812

Legal Advertisement - Public Hearing Case#13-10-003
Variance request 3600 Quando Drive, Belle Isle, Florida, 32812
Parcel I.D. #20-23-30-1646-00-900

Dear Mr. and Mrs. Bartos:

At a public hearing held on Tuesday, October 22, 2013 the Belle Isle Planning and Zoning Board **voted 3:1 to approve the request** for a variance on your property captioned above.

Vice Chairman Bradford moved the criteria of Chapter 42, Article III, Section 42-64(1) of the Belle Isle Land Development Code having been met, to approve this request for a variance:

- 1) from LDC, Chapter 50, Article III, Sec. 50-73(a) which requires a setback of 30 feet from the front property line. The applicant requests a front setback of 15ft from the minimum required 30ft.**
- 2) from LDC, Chapter 50, Article III, Sec. 50-73(a) which requires a setback of 7.5 feet from the side yard. The applicant requests a side yard setback of 5.0ft from the minimum required 7.5ft; and**
- 3) from LDC, Section 48-32 which requires a setback of 50 feet from the NHWL. The applicant requests a rear yard setback of 43ft from the NHWL from the minimum required 50ft.**

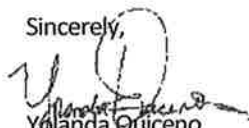
on the property described as 3600 Quando Drive, Belle Isle, FL 32812 also described as Parcel ID 20-23-30-1646-00-900 Orange County, Florida.

Conditions: NONE

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 the Code. At the discretion of the board, such variance may be revoked for violation of the condition and/or condition and/or safeguards.

Pursuant to Section 42-71 of the Belle Isle Code, any person aggrieved by this decision of the Planning and Zoning Board may file a written Notice to Appeal to City Council, by November 6, 2013. The Notice of Appeal must state wherein the Board erred and shall be given to the City Clerk.

If you have any questions or need additional information, please call me at (407) 851-7730.

Sincerely,

Yolanda Quiceno
City Clerk

Variance Request:

**Jon Bergman & Danielle Browne (now Bergman)
3606 Quando Drive
Belle Isle, FL 32812**

We're requesting to reduce the current 30 ft setback of our garage to 20 ft to have additional square feet to accommodate an elderly parent that will be a dependent. We have noticed that our neighbor at 3600 Quando Drive has also reduced there set back through a variance and our intent is to accomplish something similar.

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

The lot we live on does not allow us to build any closer to the canal so the only area we can extend the home is the driveway.
We need this room to allow for extra square feet for an elderly parent that will be a dependent.

Not Self-Created

This is not self-created as we have had no control over our parents and their financial management.
Furthermore, we have had no control over the placement of the home relative to the canal and the street.
We (Jon & Danielle) both are employed by companies out of state and therefore must have a home office with the proper amount of space to work daily.

Can you accomplish your objective in another way?

We have considered adding additional space in the backyard, but this is not feasible due to the canal and high-water mark.
We have also considered moving to a different property, but this is also not feasible as real estate prices and interest rates have substantially increased and therefore our tax bill and interest payment will be higher than what we can afford.

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.

The effects will only be positive as adding more square feet will only increase the property value, modernize the house's curb appeal and increase the overall value of homes within the neighborhood. This will not impede access, light, air, traffic control or pedestrian safety in anyway.

If you own and occupy property as your primary residence as of January 1, 2024, you may qualify for an exemption. The deadline to file a 2024 exemption application is March 1, 2024.

b.

[Click Here To Apply for Homestead and Other Exemptions Online](#)

Print Date: 10/18/2023 System Refresh Date: 10/17/2023

3606 Quando Dr 20-23-30-1646-00-910

Name(s): Bergman Jon
Browne Danielle
Physical Street Address: 3606 Quando Dr
Property Use: 0131 - Sfr - Canal Front

Mailing Address On File: 3606 Quando Dr
Belle Isle, FL 32812-2837
Postal City and Zip: Orlando, FL 32812
Municipality: Belle Isle

[Incorrect Mailing Address?](#)



3606 QUANDO DR, ORLANDO, FL 32812 1/26/2019 1:42 PM

[Upload Photos](#)

[View 2023 Property Record Card](#)

[PROPERTY FEATURES](#)

[VALUES, EXEMPTIONS AND TAXES](#)

[SALES](#)

[MARKET STATS](#)

[LOCATION](#)

Historical Value and Tax Benefits ⓘ

[Has Homestead in 2024](#)

Tax Year Values	Land	Building(s)	Feature(s)	Market Value	%	Assessed Value	%
2023 <input type="checkbox"/> MKY	\$297,000	\$209,887	\$23,600	\$530,487	12.4%	\$384,405	3.0%
2022 <input type="checkbox"/> MKY	\$270,000	\$178,241	\$23,600	\$471,841	16.1%	\$373,209	3.0%
2021 <input type="checkbox"/> MKY	\$225,000	\$157,907	\$23,600	\$406,507	-0.7%	\$362,339	1.4%
2020 <input type="checkbox"/> MKY	\$225,000	\$160,813	\$23,600	\$409,413	N/A	\$357,336	N/A

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH CAP	Tax Savings
2023 <input type="checkbox"/> \$ <input type="checkbox"/> HX <input type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$146,082	\$3,053
2022 <input type="checkbox"/> \$ <input type="checkbox"/> HX <input type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$98,632	\$2,258
2021 <input type="checkbox"/> \$ <input type="checkbox"/> HX <input type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$44,168	\$1,393
2020 <input type="checkbox"/> \$ <input type="checkbox"/> HX <input type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$52,077	\$1,534

2023 Taxable Value and Certified Taxes ⓘ

Tax Year

2023	2022	2021	2020
------	------	------	------

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	%	Taxes	Tax Breakdown
Public Schools: By State Law (Rle)	\$384,405	\$25,000	\$359,405	3.1730	-1.3%	\$1,140.39	20%
Public Schools: By Local Board	\$384,405	\$25,000	\$359,405	3.2480	0.0%	\$1,167.35	21%
General County	\$384,405	\$50,000	\$334,405	4.4347	0.0%	\$1,482.99	26%
City Of Belle Isle	\$384,405	\$50,000	\$334,405	4.4018	0.0%	\$1,471.98	26%
Library - Operating Budget	\$384,405	\$50,000	\$334,405	0.3748	0.0%	\$125.33	2%
St Johns Water Management District	\$384,405	\$50,000	\$334,405	0.1793	-9.2%	\$59.96	1%
Lake Conway Mstu	\$384,405	\$50,000	\$334,405	0.5750	40.0%	\$192.28	3%
Totals				16.3866		\$5,640.28	

Non-Ad Valorem Assessments

2023 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rates	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - BIGBR - (407)851-7730	1.00	305.40	\$305.40
CITY OF BELLE ISLE	BELLE ISLE STRM - BISTRM - (407)851-7730	1.00	135.00	\$135.00
				\$440.40

2023 Gross Tax Total: \$6,080.68

2023 Tax Savings Tax Savings

30

Boundary Survey

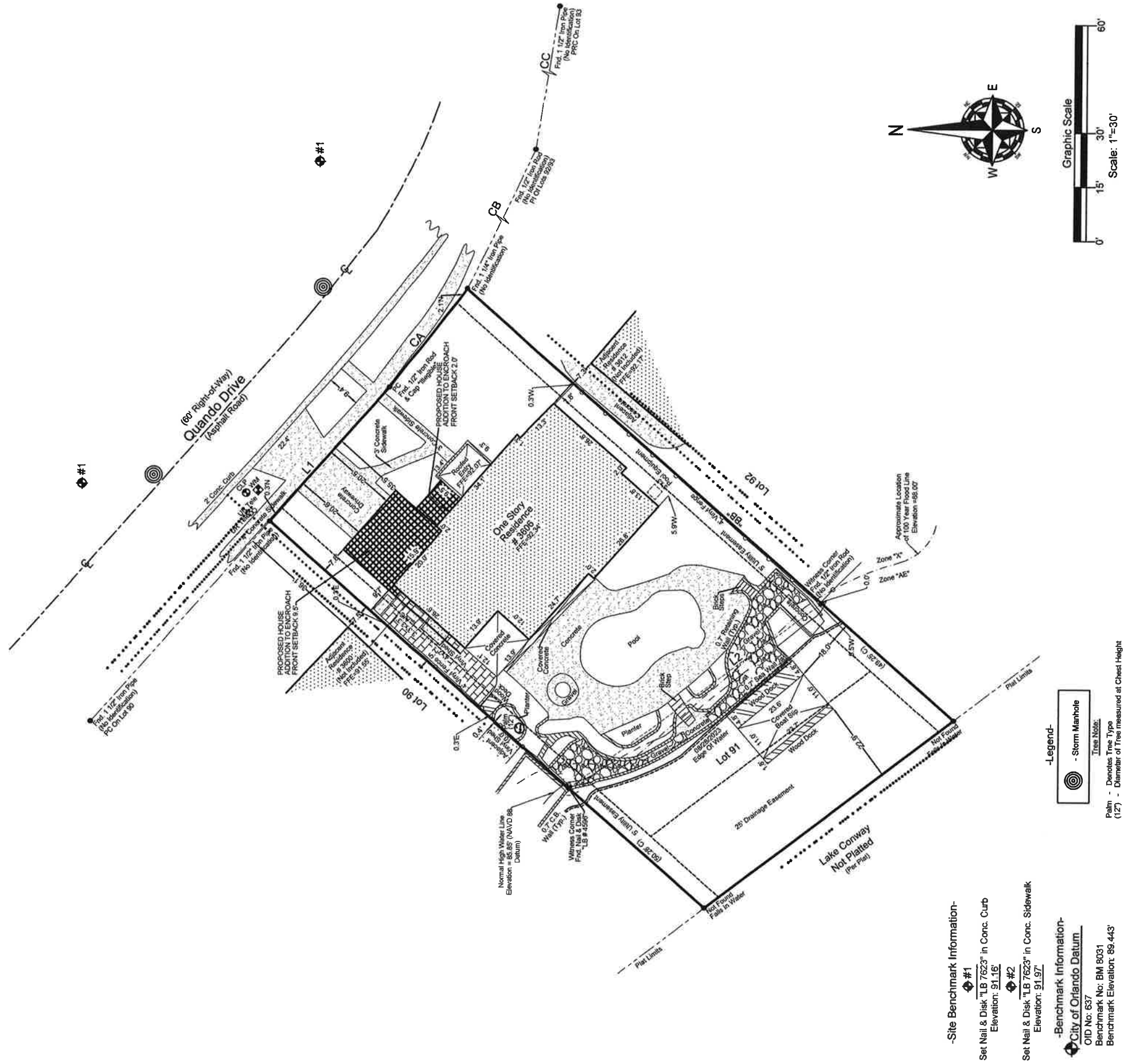
Legal Description:

LOT 91, CONWAY EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 122, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Flood Disclaimer:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X, AE (WITH A BASE FLOOD ELEVATION OF 88.0). THIS PROPERTY WAS FOUND IN CITY OF BELLE ISLE, COMMUNITY NUMBER 120181, DATED 9/25/2009.

CERTIFIED TO:
JON BERGMAN



-Site Benchmark Information-

◆ #1

Set Nail & Disk "LB 7623" in Conc. Curb
Elevation: 91.16

◆ #2

Set Nail & Disk "LB 7623" in Conc. Sidewalk
Elevation: 91.97

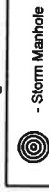
-Benchmark Information-

OID No: 637

Benchmark No: BM 8031

Benchmark Elevation: 89.443'

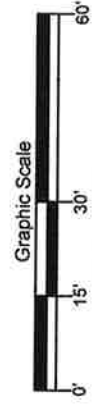
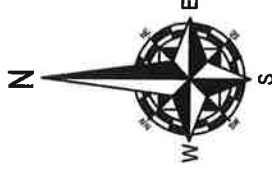
-Legend-

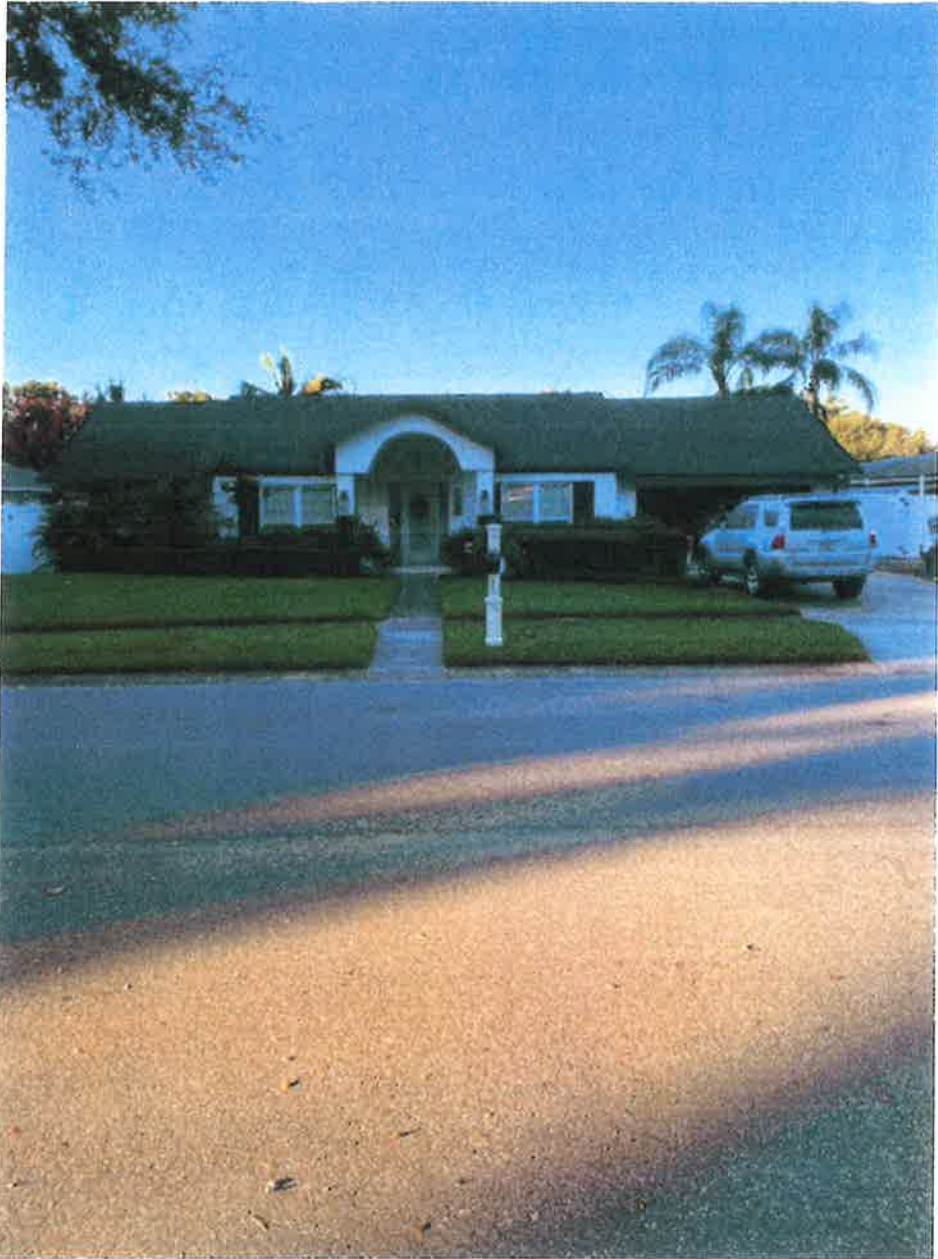


Path - Diameter of Tree measured at Chest Height

(12") - Diameter of Tree measured at Chest Height

PROPOSED SITE PLAN











CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

December 20, 2023

Variance Request: 3606 Quando Drive

Application Request: 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.

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

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):

Generally, a variance is authorized due to circumstances unique to the applicant’s building and land itself. The requested variance does not meet the special condition or circumstances criteria as a financial and personal hardship does not constitute a hardship entitlement for a variance.

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

According to the applicant’s Narrative Letter, the request to encroach ten feet within the 30-foot front yard setback is due to financial and personal hardship for accommodating an additional family member within the single-family residence. Financial and personal hardship is not an acceptable basis for granting variance approval. Following section 42-64, a qualifying hardship results from the conditions of the building and the property conditions.

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

The variance request makes reasonable use of the land as the proposed structure meets zoning district’s side setback, height, and roof overhang requirements. The proposed additional living area is to accommodate one elderly parent as the principal building utilizes the three bedrooms for the family and workspace. The proposed living space may provide one bedroom, storage space, and bathroom accommodation for the elderly parent.

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

The requested variance is in harmony with the general purpose and intent of the Land Development Code and, therefore, is not injurious to the neighborhood nor detrimental to the public welfare and will not be contrary to the public interest. This is because the addition is proposed for the rear of the property and does not negatively impact another property's view, light, or access.

Based on the variance criteria of sections 42-64 (d) and (e), Staff recommends that the Board not approve the requested variance to allow a front yard setback of 20 feet as there are no special conditions or circumstances of the land and the request is a self-created hardship.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

MEMORANDUM

TO: Planning and Zoning Board

DATE: January 3, 2024

RE: Variance Application – 3433 Cullen Lake Shore Drive

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.

Background:

1. On November 22, 2023, 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 Dec 19, 2023.
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., Dec 23, 2023.

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 SEC. 42-64 AND 50-73 (A), **TO APPROVE** A REAR BUILDING SETBACK OF 45 FEET AND 11 INCHES FROM THE REQUIRED 50-FOOT BUILDING SETBACK FROM THE 86.9 CONTOUR LINE 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.

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 REAR BUILDING SETBACK OF 45 FEET AND 11 INCHES FROM THE REQUIRED 50-FOOT BUILDING SETBACK FROM THE 86.9 CONTOUR LINE 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.

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 the title to the property has passed and 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.

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DATE: January 3, 2024

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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 REAR BUILDING SETBACK OF 45 FEET AND 11 INCHES FROM THE REQUIRED 50-FOOT BUILDING SETBACK FROM THE 86.9 CONTOUR LINE 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.

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SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after the title to the property has passed and 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 Nate and Kristine Davenport	OWNER Nate and Kristine Davenport
ADDRESS 3433 Cullen Lake Shore Drive	PROJECT ADDRESS 3433 Cullen Lake Shore Drive
CONTACT NUMBER 407-267-4998	OWNER'S CONTACT NUMBER 407-267-4998
EMAIL nathin.davenport@gmail.com	OWNER'S EMAIL nathin.davenport@gmail.com
PARCEL ID# 17-23-30-4380-04-140	
LAND USE CLASSIFICATION 0130-Sfr-Lake Front	ZONING DISTRICT R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON 50-73, 54-3(d) and 54-3(e)	
<p>DETAILED VARIANCE REQUEST</p> <p>We are requesting a variance for a setback of 45 feet and 11 inches from the NHWE for the replacement of an existing aluminum covered porch structure. We are requesting that we be granted the variance/special exception as the current covered porch roof is starting to cave in and water has entered our hose when it rains. Wood framing inside the house has shown signs of rote and growth of mold. We want to replace the failing covered porch before more damage is done. The current covered porch appears to be a nonconforming structure so we are requesting a variance for the work we wish to be performed, which includes the alteration, demolition, and extension of the current aluminum covered porch structure.</p> <ul style="list-style-type: none"> 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 <i>Nate Davenport</i>	OWNER'S SIGNATURE <i>Kristine Davenport</i>
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION
<input type="checkbox"/> OTHER	P&Z CASE NUMBER 2023-11-033
	DATE OF HEARING 01-03-2024

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



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

- 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	11-22-23 Date Paid	00146431984 Check/Cash	<i>[Signature]</i> Rec'd By
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Nate and Kristine Davenport
3433 Cullen Lake Shore Drive
Belle Isle, FL 32812

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

Application for a Variance to Section 50-73, 54-3(d) and 54-3(e)

This property contains an existing aluminum covered porch that was constructed prior to us purchasing the property in April 2019. The current aluminum covered porch is attached to the back of the house and was constructed in 2001 and does not extend past the house.

We are seeking to replace the current covered porch due to the roof starting to cave in along with excessive leaking, and we have been told by Raquel Lozano and Susan Manchester that a permit could not be located (we have attempted to contact the previous owner for additional information however have been unsuccessful). The new covered porch will replace the existing covered porch that measures 14.7'x18.8' and we plan to extend the covered porch to create an L-shape by adding on an additional 15' x 7.8 section on the east side of the existing covered porch. The new porch extension falls entirely outside of the 50' lakefront setback. We are requesting a variance specifically to requirements 50-73, 54-3(d) and 54-3(e)

50-73(a) for the replacement of the original porch structure, which states "The setback from Lake Conway shall be 50 feet from the normal high-water elevation (86.9 contour line)." **Applicant is requesting a setback of 45 feet and 11 inches from the normal high-water elevation for an in-line addition to replace the existing aluminum porch.**

54-3(d) for the replacement of the original porch structure, which states "Alteration- A nonconforming building may be maintained, and repairs and alterations may be made, except that in a building which is nonconforming as to use regulations, no structural alterations shall be made except those required by law. Repairs such as plumbing or the changing of partitions or other interior alterations are permitted. **Applicant is requesting permission to demolish/replace the existing porch structure. Current porch structure will be demolished and replaced with a structure that has been redesigned and is more structurally sound. Current structure is failing and it is unknown if it can be repaired. Based on advice from engineers, general contractors and roofers, a redesigned structure that directly ties into the current house roof will be the correct course of action to prevent injury and additional damage to the property.**

54-3(e) for the replacement of the original porch structure, which states "Extension: Buildings or structures or uses of land which are nonconforming shall not be extended or enlarged. Any use may be extended if such conforms with current regulations for the district in which it is located." **Applicant is requesting permission to replace the existing covered porch and extend the**

covered porch as shown in the site plan. The new covered porch covering is approximately 62' from the NHWE, which falls well within the required setback.

We are requesting a variance for the replacement of the current covered porch due to its roof failing and the current design has resulted in water damage to our house (mold and wood rot). At the same time we would like to modify the design/add to the covered porch to direct water away from our home and mitigate further water damage from water leaking into our soffit. This will be done by extending the structure with an additional 15 'x 7.8 section on the east side of the existing covered porch (creating an L-shape). Gutters placed on this new section will direct water away from the house with additional downspouts for the overflow we are currently experiencing. The new covered porch extension falls entirely outside of the 50' lakefront setback and will not impact the current ISR. We are requesting a variance specifically to replace our existing covered porch with a new and redesigned/extended covered porch structure. This covered porch expansion falls under requirement 50-73 which states "The setback from Lake Conway shall be 50 feet from the normal high-water elevation (the "NHWE") (86.9 contour line) only because it is being attached to the existing structure (our house) which has a current setback of 45 feet and 11 inches from the NHWE.

The existing covered porch will be replaced with a new redesigned covered porch that will consist of wood framing and traditional roofing shingles and will be tied into the existing roof. The new/redesigned covered porch will not exceed further than 45 feet 11 inches from the northwest side of the property and will measure 50 feet 11 inches from the normal high-water elevation when facing the north side of the property.

The redesigned covered porch (replacement and extension of existing covered porch) will not impact adjacent properties. The property to the east of the covered porch has constructed an extension of their covered porch and house which is set more than 10 feet closer to the lake (obstructing the view of our house) and the property to the west has no objections to the extension as evidenced by the attached letter. The existing and new covered porch will be visible from the lake; however, the covered porch is an open-air covering and will not exceed the back of the house.

We are seeking to modify/add to the existing covered porch for multiple reasons, including but not limited to:

The existing covered porch roof/gutter system is causing water to leak into the main house, resulting in wood trim rotting and mold growth occurring in the north side of the house. Damage extends through the walls where the current covered porch attaches to the house.

The ceiling of the existing covered porch roof is caving in and is creating a safety hazard to anyone who exits the back of our house. Currently we are not able to use the back covered porch area due to the compromised roof and we must use our bedroom as an exit or walk around the side of the house. We have a 16-month-old who likes to play under the covered porch however we cannot let him until we ensure he is not at risk of injury.

We would like to build a more secure covered porch. We are not sure who built the original covered porch however we would like to take this opportunity to build a structure that we can ensure is structurally sound and properly disperses water away from the house.

We would like to expand the current covered porch to keep water further away from our house, better accommodate the volume and properly direct the water coming off of our roof. We will accomplish this through an improved roof design that ties into the current roof and has a better slope and gutter system with additional downspouts.

We plan to replace the existing covered porch and extend the covered porch as shown in the site plan. The new covered porch covering is approximately 62' from the NHWE, which falls well within the required setback. The replacement of the existing porch will not exceed further than 45 feet 11 inches from the northwest side of the property and will measure 50 feet 11 inches from the normal high-water elevation when facing the north side of the property.

The new covered porch will meet all current Belle Isle code requirements. The new structure will be more visually appealing and inline with the house and community standards.

We can show the Board that the requirements for approving the variance have been met:

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.

With the current design of the house there is not an effective way to divert the water in a manner that is different from the current gutter/ roof configuration. After numerous attempts, and hiring a variety of companies over a four-year period owning this home, we have been unsuccessful at diverting water and continue to experience water intrusion, causing rot and mold growth. This is why we are requesting a variance to modify the roofline and seamless integration into the covered porch structure.

Special Conditions and/or Circumstances 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.

Our house currently extends approximately 46 feet from the NHWE, and, at the time of purchase, a covered porch was attached to the house and does not extend further than the existing house. If the 50- foot setback is enforced, the porch roof line would not be able to extend and be consistent with the existing house, which could result in areas being susceptible to water damage. Additionally, leaving the existing covered porch would create a safety hazard to anyone who enters or exists our house from our back yard. The new redesigned covered porch extension will tie the covered porch structure into our roof to allow for a watertight structure/ integration to the house. We also intend to improve the current gutter system with one seamless gutter to eliminate the water intrusion we are currently experiencing.

Special Conditions and/or Circumstances 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.

Given the shape and location of our house on our property, there is no alternative location for the covered porch. We have met with multiple general contractors, architects and covered porch companies and the current design appears to be the only option they have recommended as it ties into the current roof and eliminates the possibility of additional water damage from water entering the house. The covered porch extension far exceeds the minimum 50-foot setback, and the replacement of the existing covered porch will be an in-line addition to replace the existing aluminum porch.

Special Conditions and/or Circumstances 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.

Approval of the variance request will have no effect on the adjacent properties or surrounding neighborhood. The views of the covered porch from the adjacent properties is blocked by the current house and/or the neighbor's house. The lake views from the adjacent properties will not change with the new covered porch structure. The structure is not viewable from the street and will have no effect on traffic control or pedestrian safety.

Attached are photos of the property and existing covered porch along with a copy of the site plan for the proposed replacement of the existing structure with a redesigned expansion. Additionally, a copy of the no objection letter from the adjacent property owner on the west side (the side for which the variance is being requested) is attached. Thank you for your consideration of this application.

Respectfully submitted,



Nate and Kristine Davenport

(407)267-4998

Nathin.davenport@gmail.com

If you own and occupy property as your primary residence as of January 1, 2024, you may qualify for an exemption. The deadline to file a 2024 exemption application is March 1, 2024.

Click Here To Apply for Homestead and Other Exemptions Online

Print Date: 11/20/2023 System Refresh Date: 11/19/2023

3433 Cullen Lake Shore Dr 17-23-30-4380-04-140

Name(s): Davenport Nathin Davenport Kristine

Physical Street Address: 3433 Cullen Lake Shore Dr

Property Use: 0130 - Sfr - Lake Front



Upload Photos

Mailing Address On File: 3433 Cullen Lake Shore Dr Belle Isle, FL 32812-1109 Incorrect Mailing Address?

Postal City and Zip: Orlando, FL 32812

Municipality: Belle Isle

View 2023 Property Record Card



2024 Values will be available in August of 2024. To see the certified values, go to the Values, Exemptions and Taxes Tab.

View Plat

Property Description

LAKE CONWAY ESTATES SECTION TWO REPLAT X/150 LOT 14 & BEG SE COR LOT 13 RUN WLY ALONG S LINE 1.65 FT N 33 DEG W 60 FT N 42 DEG W 97.96 FT TO 86.4 CONTOUR LINE OF LAKE CONWAY NELY ALONG CONTOUR LINE 15.73 FT TO NW COR LOT 14 TH S 33 DEG E 158.96 FT TO POB BLK D

Total Land Area

18,306 sqft (+/-) | 0.42 acres (+/-)

GIS Calculated

Notice

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0130 - Sfr - Lake Front	R-1-AA	1 LOT(S)	Working Value...	Working Value...	Working Value...	Working Value...

Navigation icons: << < 1 > >>

Page 1 of 1 (Total Records: 1)

Building



More Details

Model Code: 01 - Single Fam Residence Actual Year Built: 1960 Gross Area: 4650 sqft Type Code: 0103 - Single Fam Class III Beds: 4 Living Area: 3641 sqft Building Value: Working Value... Baths: 4 Exterior Wall:

C.

Concrete/Cinder Block

Estimated New Cost:

Working Value...

Floors:

1

Interior Wall:

Plastered

<< < 1 > >>

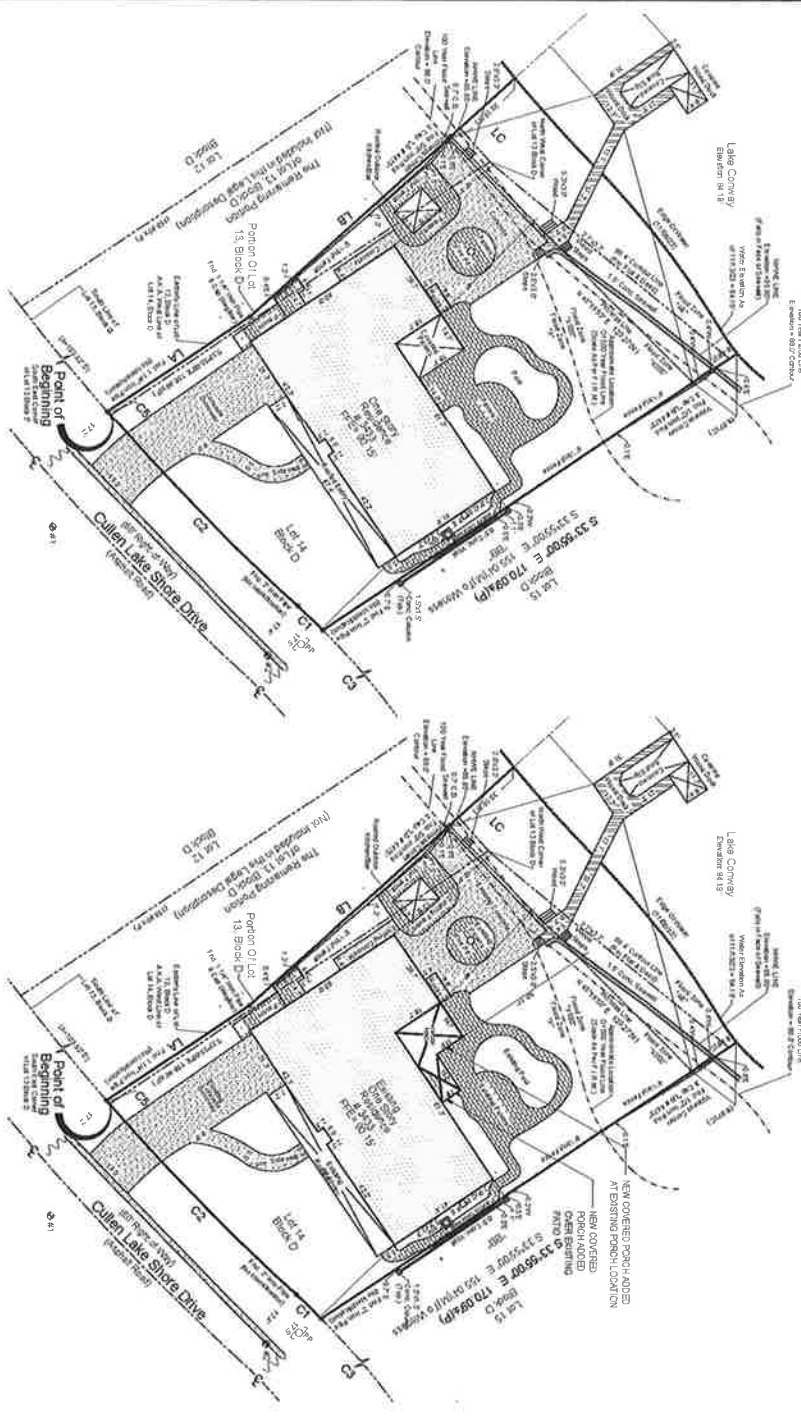
Page 1 of 1 (Total Records:1)

Extra Features

Description	Date Built	Units	XJob Value
Bc3 - Boat Cover 3	01/01/1990	1 Unit(s)	Working Value...
Bd2 - Boat Dock 2	01/01/1977	1 Unit(s)	Working Value...
Cval - Cover Alum	12/31/2021	192 Unit(s)	Working Value...
Fpl1 - Fplance 1	01/01/1977	1 Unit(s)	Working Value...
P12 - Pool 2	09/01/2001	1 Unit(s)	Working Value...

<< < 2 > >>

Page 1 of 2 (Total Records: 8)



15.R ANALYSIS
SITE AREA 18,306 SF

EXISTING SITE PLAN

MAIN RESIDENCE 4,169 SF
ENTRY PORCH 481 SF
DRIVE / PATHS 1,291 SF
POOL & SURROUNDING 3,224 SF
REAR PORCH 268 SF
TOTAL IMP. 9,373 SF
15.R 0.512

15.R ANALYSIS
SITE AREA 18,306 SF

PROPOSED SITE PLAN

MAIN RESIDENCE 4,169 SF
ENTRY PORCH 481 SF
DRIVE / PATHS 1,291 SF
POOL & SURROUNDING 3,224 SF
DEMO POOL, DECK FOR NEW PORCH (117 SF)
EXISTING REAR PORCH 268 SF
DEMO REAR PORCH (268 SF)
NEW REAR PORCH 365 SF
TOTAL IMP. 9,373 SF
15.R 0.512

EXISTING ARCHITECTURAL SITE PLAN
 SCALE: 1" = 30'-0"
 CONTRACTOR: VERRY / ALL DIMENSIONS AT JOB SITE.

PROPOSED ARCHITECTURAL SITE PLAN
 SCALE: 1" = 30'-0"
 CONTRACTOR: VERRY / ALL DIMENSIONS AT JOB SITE.

NO CHANGE TO EXISTING 15.R.5.

PROJECT NAME:
 DAVENPORT PORCH
 3493 CULLEN LAKE SHORE DR.,
 ORLANDO, FL 32812
MUNICIPALITY:
 BELLE ISLE

SCOPE OF WORK:
 1. PREPARE THE PRELIMINARY AND FINAL ARCHITECTURAL DRAWINGS FROM THE USA.

SHEET INDEX:

CS-1	CONCEPT / 2478 A/B
A1	AS-BUILT / DEMO IN S.E. CORNER
A2	EXISTING ELEVATIONS / DETAILS
A3	ROOF / GOLF TRENCH PLANS / ELECTRICAL PLAN
5-2	FOUNDATION PLAN / SLOPE PLAN

GENERAL NOTES:

- ALL SYMBOLS AND NOTATIONS SHOWN ON DRAWINGS ARE INTENDED TO BE SPECIFIC AND SHALL BE CONSIDERED TO APPLY TO ALL SIMILAR SYMBOLS, UNLESS OTHERWISE NOTED BY THE ARCHITECT.
- THE BLDG. CONNECTION SHALL CHECK ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, FIRE, AND OTHER RELATED TRADES AND SHALL VERIFY RESPONSES FOR THESE TRADES LOCAL PLACEMENT AND COMMENTS.

APPLICABLE CODES:

4-10	FLORIDA BUILDING CODE	1-14	FLORIDA FIRE MARSHAL CODE
4-11	FLORIDA MECHANICAL CODE	1-15	FLORIDA ELECTRICAL CODE
4-12	FLORIDA ELECTRICAL CODE	1-16	FLORIDA FIRE MARSHAL CODE
4-13	FLORIDA FIRE MARSHAL CODE	1-17	FLORIDA MECHANICAL CODE
4-14	FLORIDA MECHANICAL CODE	1-18	FLORIDA ELECTRICAL CODE
4-15	FLORIDA ELECTRICAL CODE	1-19	FLORIDA FIRE MARSHAL CODE
4-16	FLORIDA FIRE MARSHAL CODE	1-20	FLORIDA MECHANICAL CODE
4-17	FLORIDA MECHANICAL CODE	1-21	FLORIDA ELECTRICAL CODE
4-18	FLORIDA ELECTRICAL CODE	1-22	FLORIDA FIRE MARSHAL CODE
4-19	FLORIDA FIRE MARSHAL CODE	1-23	FLORIDA MECHANICAL CODE
4-20	FLORIDA MECHANICAL CODE	1-24	FLORIDA ELECTRICAL CODE

	Consultant Kyle S. Sheppard 1700 Triangle Ave Orlando, FL 32808 DESIGN @ CATCOSH/ARCHITECTURE.COM (407) 415-4160
	Project Title: DAVENPORT PORCH 3493 CULLEN LAKE SHORE DR., ORLANDO, FL 32812
Sheet Title: COVER SHEET / SITE PLANS	Date: NOVEMBER 03, 2023
Scale: AS NOTED	Status: CS-1

BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 14 AND THAT PORTION OF LOT 13 OF LAKE CONWAY ESTATES, SECTION TWO REPLAT, AS RECORDED IN PLAT BOOK X, PAGE 150, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 13, RUN WESTERLY ALONG THE SOUTH LINE OF SAID LOT 13 A DISTANCE OF 145.5 FEET, THENCE NORTH 23°55' WEST PARALLEL TO THE EASTERN LINE OF SAID LOT 13 A DISTANCE OF 40.0 FEET, THENCE NORTH 92°03'30" WEST A DISTANCE OF 97.96 FEET TO THE 86 FEET CONTOUR LINE OF LAKE CONWAY, THENCE NORTH EASTERLY ALONG SAID CONTOUR LINE 15.73 FEET TO THE NORTHWEST CORNER OF SAID LOT 14, THENCE SOUTH 33°55' EAST ALONG THE WEST LINE OF SAID LOT 14 A DISTANCE OF 158.86 FEET TO THE POINT OF BEGINNING.

FLOOD INFORMATION:

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 09/25/2009.

CERTIFIED TO:

NATHIN DAVENPORT



1433 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FLORIDA 32812

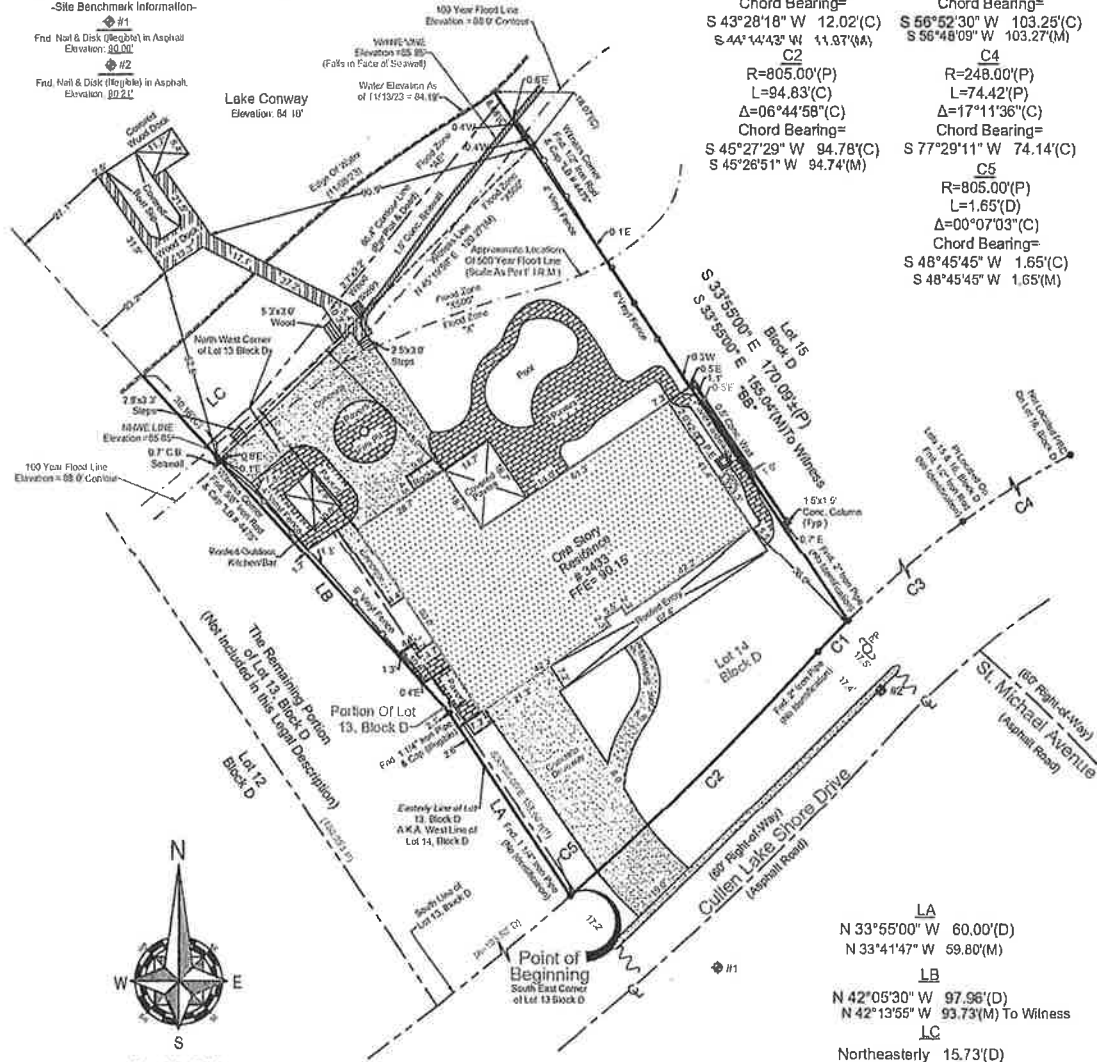
-Benchmark Information-

Orange County

Point ID: S1140014
Elevation: 100.50'
(Elevations are based upon NAVD 88 Datum)

-Site Benchmark Information-

Find Nail & Disk (Rebar) in Asphalt
Elevation: 80.00'
#12
Find Nail & Disk (Rebar) in Asphalt
Elevation: 80.21'



C1 R=248.00'(P) L=12.02'(P) Δ=02°46'37"(C) Chord Bearing= S 43°28'18" W 12.02'(C) S 44°14'43" W 11.87'(M)	C3 R=248.00'(P) L=104.01'(P) Δ=24°01'46"(C) Chord Bearing= S 56°52'30" W 103.25'(C) S 56°48'09" W 103.27'(M)
C2 R=805.00'(P) L=94.83'(C) Δ=06°44'58"(C) Chord Bearing= S 45°27'29" W 94.78'(C) S 45°26'51" W 94.74'(M)	C4 R=248.00'(P) L=74.42'(P) Δ=17°11'36"(C) Chord Bearing= S 77°29'11" W 74.14'(C)
	C5 R=805.00'(P) L=1.65'(D) Δ=00°07'03"(C) Chord Bearing= S 48°45'45" W 1.65'(C) S 48°45'45" W 1.65'(M)

LA N 33°55'00" W 60.00'(D) N 33°41'47" W 59.80'(M)
LB N 42°05'30" W 97.96'(D) N 42°13'55" W 93.73'(M) To Witness
LC Northeasterly 15.73'(D)

P.E. = Pool Equipment
NWHE = Normal High Water Elevation

Field Date: 11/9/2023 Date Completed: 11/10/23

Drawn By: G.S. File Number: JS-124536

-Legend-

C - Calculated	PC - Point of Curvature
CB - Centerline	Pg - Page
Clf - Concrete Block	PI - Point of Intersection
CM - Concrete Monument	P.O.B. - Point of Beginning
Conc. - Concrete	P.O.L. - Point on Line
D - Description	PP - Power Pole
DE - Drainage Easement	PRM - Permanent Reference Monument
Emit. - Easement	
F.E.M.A. - Federal Emergency Management Agency	
FFe - Finished Floor Elevation	
Find. - Found	
IP - Iron Pipes	
L - Length (Act)	
M - Measured	
N&D - Nail & Disk	
N.R. - Non-Resid	
ORB - Official Records Book	
P - Plat	
P.B. - Plat Book	
W - Wood Fence	

NOTES:
 >Survey is Based upon the Legal Description Supplied by Client.
 >Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Mistakes.
 >Subject to any Easements and/or Restrictions of Record.
 >Bearing basis shown hereon, is Assumed and Based upon true Line Denoted with a "BB".
 >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 Drains/field 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.

-POINTS OF INTEREST-

NONE VISIBLE

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 55-11.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

PATRICK K. IRELAND
 11/10/2023
 STATE OF FLORIDA
 LAND SURVEYOR

Patrick K. Ireland
 PATRICK IRELAND 4637 LB: 7623

This survey is valid and correct for the use of a third party's purposes. This survey is NOT valid unless signed and sealed with the Surveyor's name.

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

City of Belle Isle

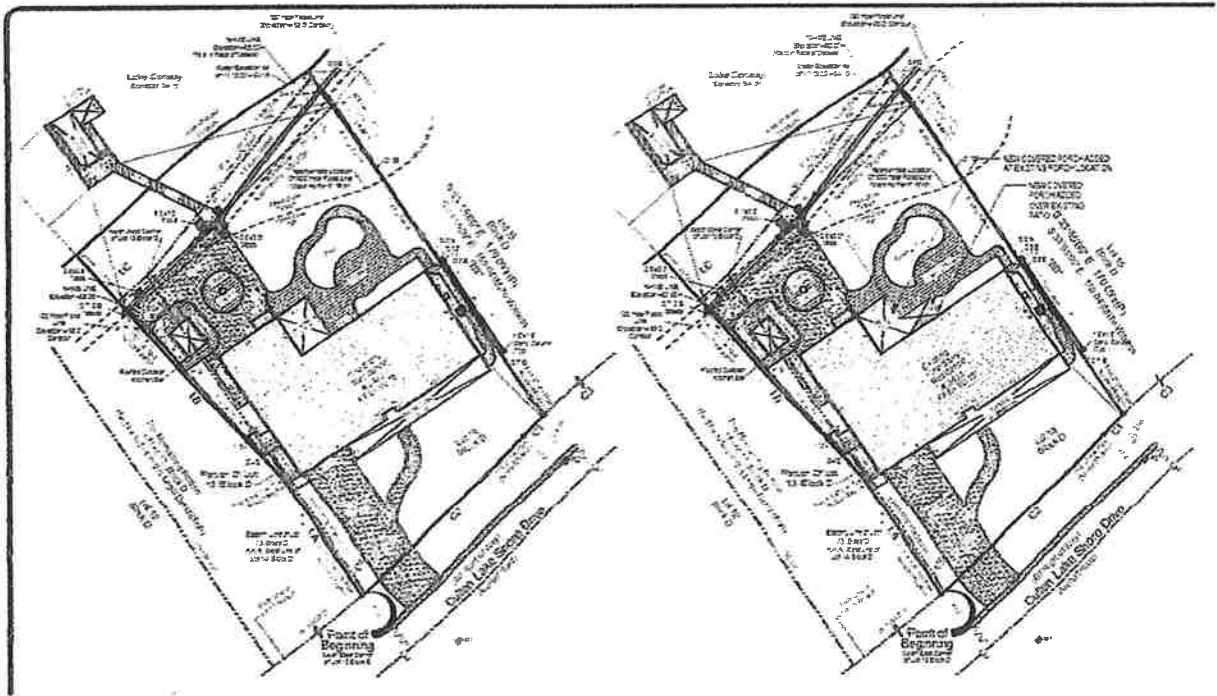
&

Nate and Kristine Davenport
3433 Cullen Lake Shore Drive
Belle Isle, FL 32812

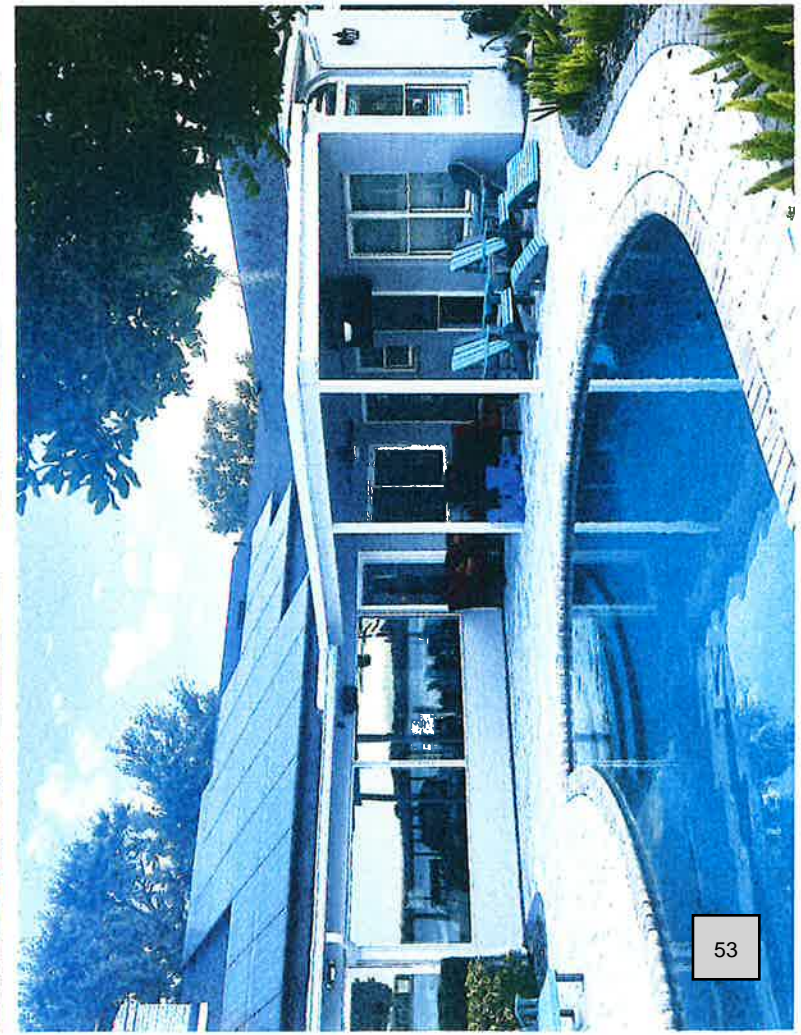
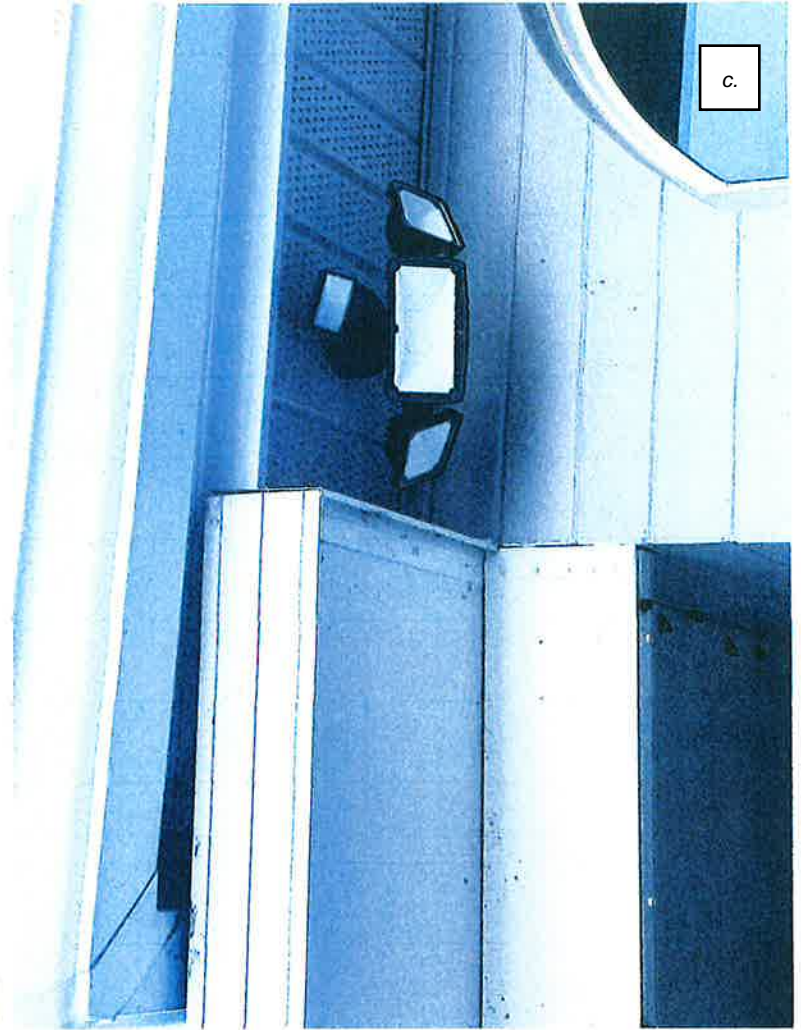
You have informed us that you will be requesting a variance to replace your existing patio roof and expanding it (see image below). The patio side where it connects to the existing house will be approx. 4 ft short of the required 50 ft set back. We have no objection to your project.



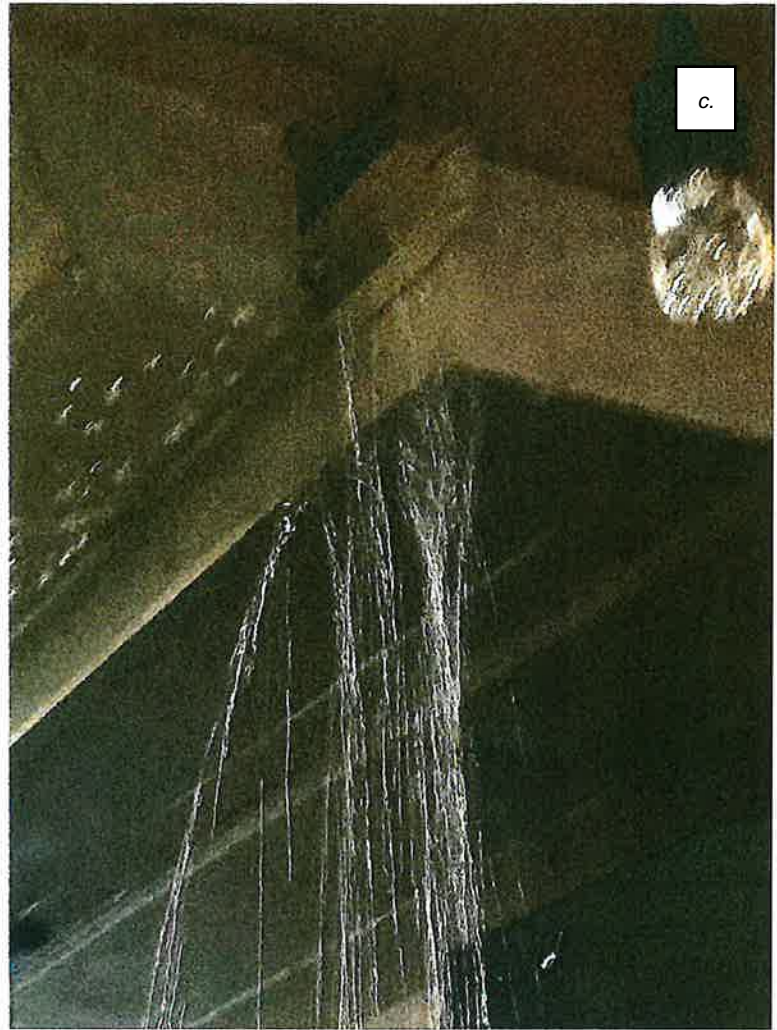
Tim Rutherford
(3427 Cullen Lake Shore Drive)













CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

December 20, 2023

Variance Request: 3433 Cullen Lake Shore Drive

Application Request: 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.

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

Background

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.

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 variance request to repair the existing covered porch area creates an unnecessary hardship as the application of the 50-foot rear setback is determined and affected by the shoreline’s orientation and location of the normal high-water elevation. The property maintains a seawall along half of the shoreline frontage, and the other half of the shoreline directly abuts the lake. The expansion of the porch area does not encroach within 50 feet of the required rear building setback.

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

The request to structurally repair the covered porch area within four feet of the designated rear setback is not self-created. The applicants seek to fix an existing nonconforming structure and address structural and drainage issues for the project site.

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

The variance request makes reasonable use of the land and structure as the applicants seek to repair an existing nonconforming structure, and the expansion meets the required 50-foot setback.

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

The variance request to allow a building setback of 45 feet and 11 inches from the normal-high water elevation of Lake Conway instead of the required 50-foot building setback will not be injurious to the neighborhood and is not detrimental to the public welfare.

Based on the variance criteria under section 42-64 (d-g), 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.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

DATE: December 20, 2023
TO: Planning and Zoning Board for Council Review
FROM: Raquel Lozano, City Planner
SUBJECT: Implementation of Senate Bill 102 – Live Local Act

RVi Planning, hired to update the city’s comprehensive plan, created a fact sheet (attached to this report) to outline key policies of the Live Local Act and its applicability to the City of Belle Isle. Based on their report, the Act has limited impact on the city as the number of commercial and industrial zoned properties is below the threshold established by state law to approve qualifying affordable housing projects exclusively for residential use. Florida statutes (F.S. 166.04151) provide that municipalities that designate land less than 20 percent of the land area within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development in those designated areas if the proposed development is mixed-use residential. Belle Isle’s commercially and industrially zoned areas comprise approximately 12.9 percent of the city’s land area and are mostly already developed. F.S. 166.04151(7)(a) defines mixed use residential as at least 65% of the total square footage.

The new statutory provisions indicate that a local government shall not require any rezoning process or comprehensive plan amendment process and that such a multifamily mixed-use project that complies with F.S. 166.04151 affordable housing provisions must be approved administratively (F.S. 166.04151(7)(d)). Such a project would have a by-right ability to be built at the maximum density allowed on any land in the city (the highest density provided for any land in the city currently is Medium Density Residential on the Future Land Use Map at 5.6 to 10 dwelling units per acre); would be able to be as tall as the height currently allowed height for a commercial or residential development located in the city within one mile of the proposed development, or three stories, whichever is higher.

Staff Recommendation: There are provisions of F.S. 166.04151 that are self-executing. Some jurisdictions in Florida, particularly larger ones significantly affected by these new laws, are amending their land development code to adopt provisions implementing the Live Local Act.

Staff recommends that the city outline administrative standard operating procedures for multifamily mixed-use projects that qualify under the act. It is incumbent upon the applicant to prove that the mixed-use development meets the state law requirements for an affordable housing project for staff review and approval. Upon consensus from the Board, a recommendation to establish administrative standard operating procedures can be shared with the City Council to address the Live Local Act.



MEMORANDUM

TO: City of Belle Isle City Council

FROM: RVI Planning + Landscape Architecture

DATE: November 2, 2023

RE: Florida SB 102 “Live Local Act” Fact Sheet

The Live Local Act authorized by Senate Bill 102 became effective on July 1, 2023. The legislation, in part, is intended to increase the availability of affordable housing opportunities for Florida’s workforce by streamlining the permitting process for affordable housing projects.

This memorandum provides an overview of the major implications related to local land use/zoning policy and implementation.

Live Local Act Overview

SB 102 requires cities and counties to permit multi-family dwelling types and mixed-use residential development as allowable uses in any area zoned for commercial, industrial, or mixed-use if a minimum percentage of the units are affordable to income-eligible households for at least 30 years.

The City may approve a housing development, including a mixed-use residential development, on any parcel zoned commercial or industrial if at least 10% of the units are affordable.

The City must administratively approve multi-family and mixed-use residential projects without a rezoning, and may not require a rezoning, comprehensive plan amendment (future land use map change), special exception, or variance for building height, zoning or densities if the project meets the following criteria:

- ✓ The property is zoned commercial, industrial, or mixed-use; and
- ✓ At least 40% of the multi-family residential units in the proposed development are affordable for a period of at least 30 years. In the case of a mixed-use project, at least 65% of the project’s total square footage must be residential to qualify.

Affordability Defined. “Affordable ” means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of the median adjusted gross annual income for income-eligible households. Income-eligible households are those households earning at or below 120% of the Area Median Income (AMI) published annually by the Department of Housing and Urban Development (HUD). The Orlando-Kissimmee-Sanford MSA has an AMI of \$85,700 per the 2023 HUD data.

The 2023 Income and Rent Limits published by Florida Financing Corporation are attached and demonstrate the rental limitation ranges from \$2,152 to \$3,934 depending on the number of bedrooms in the unit.

Maximum Density. A jurisdiction may not restrict the density of a development under this preemption below the highest allowable density in the jurisdiction. In the case of Belle Isle, the maximum permitted density is 10 du/acre in the Medium Density Residential future land use category.

Multi-Family/Mixed Use Rental Only. The law is applicable to multiple-family dwellings as defined in the Belle Isle Land Development Code (LDC), and mixed-use residential dwelling types only – i.e. an affordable housing project proposing single-family detached and/or two-family attached dwelling types would not be eligible. The law is also limited to rental projects only.

Maximum Height. A local government may not restrict the height of a development under this preemption below the highest currently allowed height for a commercial or residential development in the jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. Review of the LDC indicates the maximum permissible building height within the City is 50 feet. However, the maximum height will vary based upon the location of the proposed development.

Administrative Approval Required. Application under this section must be administratively approved and does not require further action by the Planning and Zoning Board or City Council, if it satisfies all LDC regulations for multifamily developments, generally set forth in LDC Section 54-76. However, the City must consider reducing parking requirements to the greatest extent possible for developments approved under this section if development located within ½ mile of a transit stop.

Time limit. This preemption lasts for 10 years.

Local Implementation

There is a partial exemption clause which requires that developments using this provision would be required to do mixed-use if less than 20% of a local jurisdictions land is designated for commercial, industrial, or mixed use. Staff has completed the land allocation analysis and commercial, industrial, and mixed-use land uses make up 12.9% of the City's land area. Thus, any development under SB 102 in the City of Belle Isle must be mixed-use in nature and single-use multi-family rental projects would not qualify for administrative approval under the Act.

Developers intending to request approval under SB 102 must identify this at preapplication to ensure that there is full understanding of what is required long term (e.g., the minimum 30-year period). Staff will be working to incorporate methods for identifying these requests on pre-application and application forms.

The City has included a notification relating to the Live Local Act and the building permitting procedures if submitting under the act as follows:

“Upon submission of the appropriate building permit, applicants must notify the city via email at planning@belleislefl.gov, yquiceno@belleislefl.gov, & cobipermits@universalengineering.com that they are requesting expedited processing and state the statutory basis entitlement for the request under the Live Local Act. Upon review, the city will grant higher priority to process building permits that qualify under the Act. Please note that as of June 2023, the city has not identified any city-owned properties that are appropriate for use as affordable housing under the Act.”

The City should consider updating the Land Development Code to provide definitions for terms in the Act, as well as eligibility process and procedures to clearly implement the Act’s provisions.

The LDC amendment can also prescribe development standards for these projects to ensure quality development, such as minimum living area per unit, bicycle/pedestrian connectivity, minimum recreational amenity requirements, etc.

The long-term monitoring and enforcement of any affordable units built under SB 102 is the responsibility of the local government. To do so, City housing staff will, at a minimum, be coordinating land use restriction agreements, conducting/coordinating income qualification trainings, and conducting/coordinating compliance monitoring.

Summary

The Live Local Act requires the City of Belle Isle to administratively approve projects that meet all of the below criteria:

- ✓ Is a mixed-use residential project where residential units comprise 65% of the building square footage;
- ✓ Is a rental project;
- ✓ Is located in a commercial, industrial, or mixed-use zoning district (i.e. Professional-Office, C-1, C-2, C-3, and I-2 zoning districts);
- ✓ Does not exceed 10 dwelling units per acre;
- ✓ Has a building height no greater than 3 stories/50 feet in height, unless a higher building height is permitted/built within 1 mile of the proposed development;
- ✓ Meets all multi-family development standards set forth in the LDC, except parking may be reduced if the site is within ½ mile of a major transit stop; and
- ✓ Commits to providing affordability for 30 years, where rents are limited to not more than 30% of the median adjusted gross annual income for households earning 120% or less than the AMI, as published annually by HUD.