

MEMORANDUM

TO: Planning and Zoning Board
DATE: September 23, 2025
RE: Variance Application 2801 Hoffner Avenue

Planning and Zoning Case Number 2025-08-014

PURSUANT TO SECTION 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 50-73 (A), SECTION 50-102 (A)(2), AND SECTION 50-102 (A)(5)(F) TO ALLOW A DETACHED GARAGE TO BE BUILT THAT WOULD PROJECT INTO THE REQUIRED SIDE YARD BUILDING SETBACK AREA, BE LOCATED IN THE FRONT YARD, AND EXCEED THE MAXIMUM SIZE ALLOWED, SUBMITTED BY APPLICANT DANIEL KENNEDY, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 2801 HOFFNER AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 18-23-30-4388-03-970.

Background:

1. On August 11, 2025, the applicant submitted a Variance application and the paperwork.
2. On September 11, 2025, letters to the abutting property owners were mailed within 300 feet of the subject property, and a legal advertisement was placed in the Orlando Sentinel on September 13, 2025.
3. The Board may adopt all, some, or none of these determinations as part of its findings of fact and add any additional findings of fact presented at the public hearing. The Board must determine if the criteria outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE: "I MOVE, PURSUANT TO BELLE ISLE CODE 42-64, 50-73(A), SECTION 50-102 (A)(2), AND SECTION 50-102 (A)(5)(F) TO APPROVE A DETACHED GARAGE TO BE BUILT THAT WOULD PROJECT INTO THE REQUIRED SIDE YARD BUILDING SETBACK AREA, BE LOCATED IN THE FRONT YARD, AND EXCEED THE MAXIMUM SIZE ALLOWED, SUBMITTED BY APPLICANT DANIEL KENNEDY, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 2801 HOFFNER AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 18-23-30-4388-03-970.

SAMPLE MOTION TO DENY: "I MOVE, PURSUANT TO BELLE ISLE CODE 42-64, 50-73(A), SECTION 50-102 (A)(2), AND SECTION 50-102 (A)(5)(F), 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 GARAGE TO BE BUILT THAT WOULD PROJECT INTO THE REQUIRED SIDE YARD BUILDING SETBACK AREA, BE LOCATED IN THE FRONT YARD, AND EXCEED THE MAXIMUM SIZE ALLOWED, SUBMITTED BY APPLICANT DANIEL KENNEDY, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 2801 HOFFNER AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 18-23-30-4388-03-970.

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

CITY OF BELLE ISLE
BUILDING DEPARTMENT

RCD: 8/11/25

1:20 pm

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	Daniel Kennedy		
ADDRESS	2801 Hoffner Ave Belle Isle		
CONTACT NUMBER	321-689-2866		
EMAIL	Dkennedy084@gmail.com		
PARCEL ID#	18-23-30-4588-03-970		
LAND USE CLASSIFICATION	ZONING DISTRICT R-1-AP Single family home		
SECTION OF THE CODE VARIANCE REQUESTED ON	50-102(a)(2) 50-102(a)(5)		
DETAILED VARIANCE REQUEST	see attached letter please		

- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within nine (9) months. Further, the requested user does not violate any deed restriction of the property.
- By applying, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property during reasonable hours to inspect the area to which the application applies.
- The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies.

APPLICANT'S SIGNATURE 			OWNER'S SIGNATURE 	
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	P&Z CASE NUMBER	DATE OF HEARING
			2025-08-014	9-23-2025

Sec. 42-64. - Variances. The Board shall have the power to approve, conditionally approve or deny applications for a variance from the terms of the Land Development Code.

Criteria. The Board shall not approve an application for a variance from terms of the Land Development Code unless and until:

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

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



City of Belle Isle

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

Building / Land Use Permit Application

DATE: _____

PERMIT # _____

PROJECT ADDRESS 2801 Hoffner Ave, Belle Isle, FL 32809 ✓ 32812

PROPERTY OWNER George & Debra Kennedy Family Trust PHONE 321-689-2866 VALUE OF WORK (labor & material) \$ 30,000

PLEASE LIST THE NATURE OF YOUR PROPOSED IMPROVEMENTS

Attached garage for storage, etc. Will match existing structure architecturally.

Please provide information, if applicable.

- **SINGLE FAMILY RESIDENCE:** 8.5"x11" Plat Survey, Plot Plan of Home and Floor Plans of New Construction/Revision Required
- **BOAT DOCK:** DEP Clearance Required with Application (Call 407-897-4100); please provide a copy of their report
- **SEPTIC SYSTEM (RESIDENTIAL):** – Provide verification of OC Health Dept approval for on-site septic tank system, per FAC Chap. 64E-6
- Homeowners will be required to have a contractor on record for homes that are rented and/or not homestead

Please Complete for the City of Belle Isle Zoning Review: **Parcel Id Number:** 18-23-30-41388-03-978

To obtain this information, please visit <http://www.ocpafl.org/Searches/ParcelSearch.aspx>

SPECIAL CONDITIONS: STRUCTURES MAY NOT ENCROACH INTO ANY EASEMENT

OR REQUIRED SETBACK. Survey specific foundation plan required to show compliance with zoning setbacks. Note: this Zoning Approval MAY or MAY NOT be in conflict with your Deed Restrictions. For New Single Family Residence, a Traffic Impact Fee and School Impact will be assessed.

PLANNING & ZONING APPROVAL: _____
DATE _____

PLEASE COMPLETE for Building Review (min. of 2 sets of signed/sealed plans required)

CONSTRUCTION TYPE Detached garage
OCCUPANCY GROUP Comm Res: ✓ Single Fam Multi Fam
#BLDG. _____ #UNITS 1 #STORIES 1 TOTAL SQ.FT. 905
MAX. FLOOR LOAD _____ MAX. OCCUPANCY _____
MIN. FLOOD ELEV. _____ LOW FLOOR ELEV. _____
WATER SERVICE WELL SEPTIC _____

BUILDING REVIEWER _____ DATE _____

VERIFIED CONTRACTOR'S LICENSE & INSURANCE ARE ON FILE _____ DATE _____

Per FSS 105.3.3:

An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."

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

SEPARATE PERMITS ARE REQUIRED FOR ROOFING, ELECTRICAL, PLUMBING, GAS, MECHANICAL, SIGNS, POOLS, ENCLOSURES, ETC.

Wind Exposure Category: B C D

SPRINKLERS REQ'D	Y	N	NO
If Required – SUBMIT COPY OF PLANS FOR FIRE REVIEW Date: Sent _____ RCD _____			
ZONING	Y	N	\$ _____
CERT OF OCC	Y	N	\$ _____
TRAFFIC	Y	N	\$ _____
SCHOOL	Y	N	\$ _____
FIRE	Y	N	\$ _____
SWIMMING POOL	Y	N	\$ _____
SCREEN ENCLOSURE	Y	N	\$ _____
ROOFING	Y	N	\$ _____
BOAT DOCK	Y	N	\$ _____
BUILDING	Y	N	\$ _____
WINDOW(S)	Y	N	\$ _____
DOOR(S)	Y	N	\$ _____
FENCE	Y	N	\$ _____
SHED	Y	N	\$ _____
DRIVEWAY	Y	N	\$ _____
OTHER	Y	N	\$ _____

1% BCAIB FEE _____

1.5% DCA FEE _____

TOTAL _____

OTHER PERMITS REQUIRED:

ELECTRICAL	Y	NA
PREPOWER	Y	NA
MECHANICAL	Y	NA
PLUMBING	Y	NA
ROOFING	Y	NA
GAS	Y	NA

To Whom It May Concern,

My name is Daniel Kennedy, and I am the owner of the property located at 2801 Hoffner Avenue, Belle Isle, FL 32812. I am writing to formally request a variance from the City of Belle Isle Land Development Code in order to construct a detached garage/accessory structure on my property.

Due to the unique orientation and layout of my lot, it is not feasible to construct the proposed accessory structure in the rear yard as required by current zoning regulations. The existing home is positioned in a way that severely limits usable space in the rear yard, leaving the front yard as the only practical location for the proposed garage. As such, I am respectfully requesting a variance to allow for the construction of an accessory structure in the front yard that will be utilized as parking & storage.

The proposed garage will be designed and constructed to match the architectural style and materials of the existing residence to ensure visual cohesion and maintain the aesthetic character of the neighborhood. The structure will comply with all applicable sections of the Florida Building Code and LDC, except those directly addressed in this variance request.

The relevant code sections from the Belle Isle Land Development Code that will be non-compliant include:

- Section 50-102(a)(2) – Accessory buildings, including garages, are only permitted in the side and rear yards and are prohibited in the front yard.
- Section 50-102(a)(5) – Provides dimensional and placement requirements for garages in residential districts, including setbacks, height, and square footage limits.

I also respectfully submit that similar structures are present in the front yards of other properties along Hoffner Avenue, including:

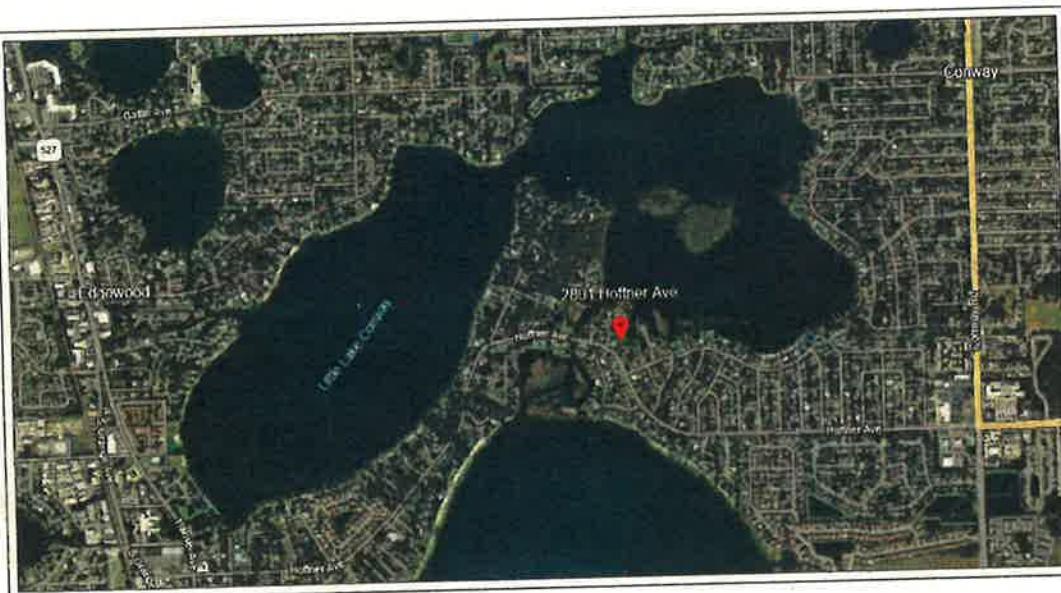
- 2526 Hoffner Ave
- 1959 Hoffner Ave

These examples illustrate that the presence of accessory structures in front yards is not without precedent in the area.

I am committed to ensuring that any construction on my property aligns with the character of the community and complies with the City's standards as closely as possible. I appreciate your consideration of my request and am happy to provide any additional information or documentation as needed. Please do not hesitate to reach out, should you have any questions or require further clarification.

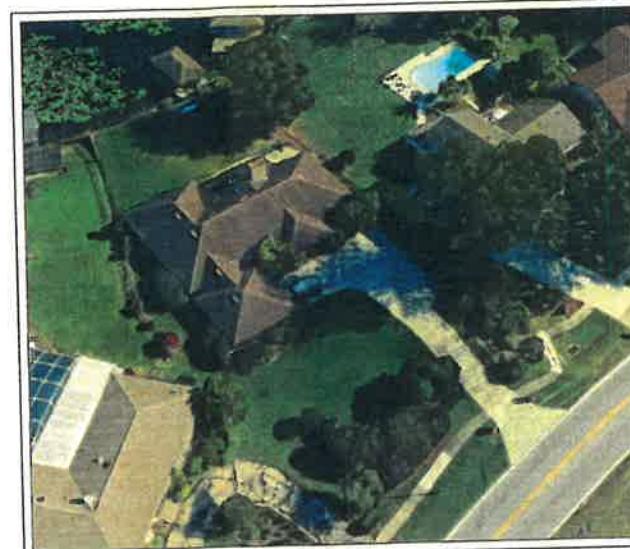
NEW DETACHED GARAGE

2801 HOFFNER AVE.
BELLE ISLE, FL 32812



PROJECT LOCATION

PROJECT DESCRIPTION: THIS PROJECT IS TO CONSTRUCT A NEW, 25.5'x35.5' (905 SF) SECONDARY, DETACHED GARAGE IN THE FRONT YARD FOR ADDITIONAL STORAGE FOR TRAILER; BASED ON THE GARAGE'S PROPOSED LOCATION AND SIZE, A VARIANCE WILL BE REQUIRED TO BE SUBMITTED AND APPROVED PRIOR TO ANY CONSTRUCTION

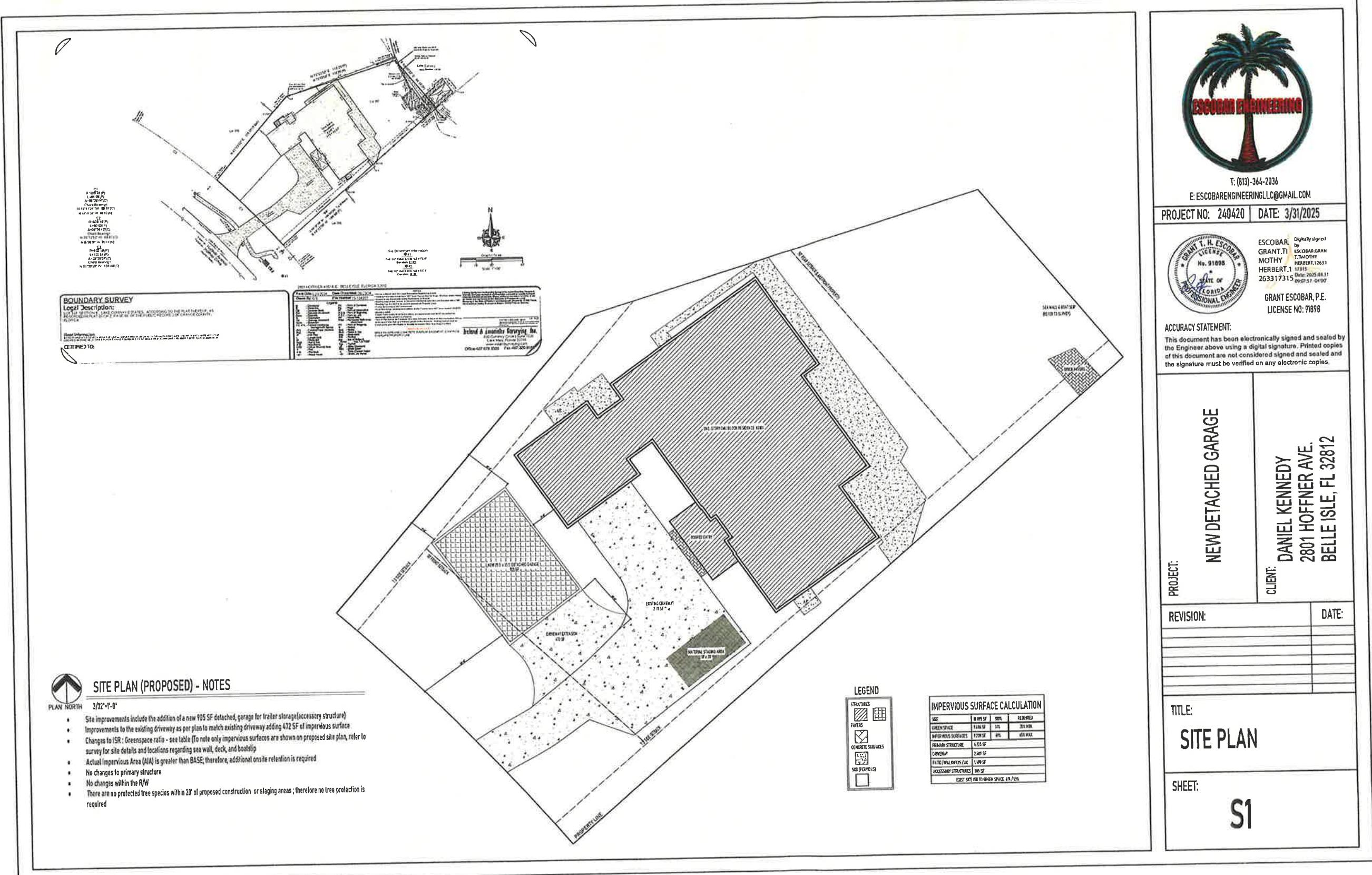


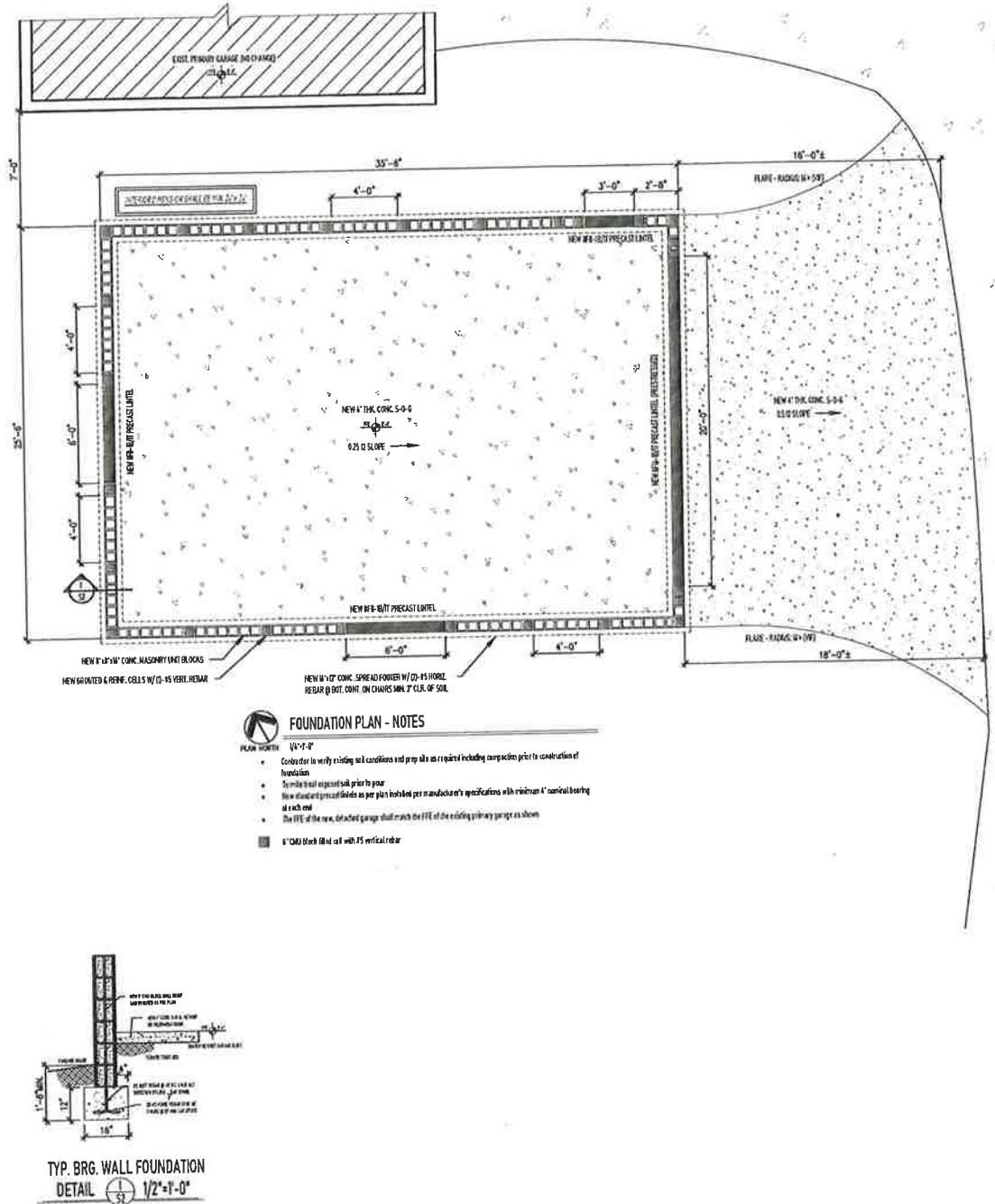
SHEET INDEX

- S0 - GENERAL NOTES
- S1 - EXIST. SURVEY & PROPOSED SITE PLAN
- S2 - FOUNDATION PLAN
- S3 - ROOF FRAMING PLAN
- S4 - SECTION & CONNECTION DETAILS & MEP PLAN
- A1 - ELEVATIONS
- C1 - DRAINAGE PLAN

ACCESSORY STRUCTURES SHALL COMPLY WITH SECTION 50-102 OF THE LAND DEVELOPMENT CODE FOR THE CITY OF BELLE ISLE	
ZONING DISTRICT:	R-1-AA / SINGLE-FAMILY HOME
LOT SIZE:	18,895 SF
ATTACHED STRUCTURE:	NO
SECONDARY GARAGE:	YES
GARAGE LOCATION:	FRONT YARD
MAXIMUM SIZE ALLOWED:	600 SF
MAXIMUM HEIGHT (TOP OF ROOF PEAK):	20'
MINIMUM SIDE YARD SET BACK:	7.5'
MINIMUM FRONT YARD SET BACK:	30'
MINIMUM REAR YARD SET BACK:	10'
	(VARIANCE REQUIRED)
	(VARIANCE REQUIRED)
	(VARIANCE REQUIRED)

<p>T: (813)-364-2036 E: ESCOBARENGINEERINGLLC@GMAIL.COM</p>	
PROJECT NO:	240420
DATE:	3/31/2025
<p>GRANT T. H. ESCOBAR LICENSEE No. 91898 State of FLORIDA PROFESSIONAL ENGINEER HERBERT, 126331 MOTHY, 7311 GRANT ESCOBAR, P.E. LICENSURE NO: 91898</p>	
ACCURACY STATEMENT: This document has been electronically signed and sealed by the Engineer above using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.	
PROJECT:	NEW DETACHED GARAGE
CLIENT:	DANIEL KENNEDY 2801 HOFFNER AVE. BELLE ISLE, FL 32812
REVISION:	DATE:
<hr/> <hr/> <hr/> <hr/> <hr/>	
TITLE: COVER SHEET	
SHEET: COVER	





	
T: (813)-364-2036 E: ESCOBARENGINEERINGLLC@GMAIL.COM	
PROJECT NO:	240420
DATE:	3/31/2025
	
ESCOBAR, Digitally signed GRANT.T.H. ESCOBAR GRANT.T.H. ESCOBAR MOTHY MOTHY HERBERT.I HERBERT.I 17315 263317315 Date: 2025.03.31 GRANT ESCOBAR, P.E. LICENSE NO: 91898 090821 0400	
ACCURACY STATEMENT: This document has been electronically signed and sealed by the Engineer above using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.	
PROJECT:	<p>NEW DETACHED GARAGE</p> <p>CLIENT: DANIEL KENNEDY 2801 HOFFNER AVE. BELLE ISLE, FL 32812</p>
REVISION:	DATE:
<p> </p> <p> </p> <p> </p> <p> </p> <p> </p> <p> </p>	
<p>TITLE:</p> <p>FOUNDATION PLAN</p>	
<p>SHEET:</p> <p>S2</p>	

