

MEMORANDUM

TO: Planning and Zoning Board

DATE: October 24, 2023

RE: Variance Application – 2802 Alsace Drive

Public Hearing #2023-09-026 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 54-132 (D), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW ROOF PROJECTIONS FOR A NEW SINGLE-FAMILY RESIDENCE WITHIN THE REQUIRED YARDS BY FORTY-EIGHT INCHES SUBMITTED BY APPLICANTS ALAN AND CATHY LEOW, LOCATED AT 2802 ALSACE COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4385-04-241.

Background:

1. On September 26, 2023, the applicant submitted a variance application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., Oct. 14, 2023.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on Oct. 9, 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 54-132 (D), **TO APPROVE** ROOF PROJECTIONS FOR A NEW SINGLE-FAMILY RESIDENCE WITHIN THE REQUIRED YARDS BY FORTY-EIGHT INCHES SUBMITTED BY APPLICANTS ALAN AND CATHY LEOW, LOCATED AT 2802 ALSACE COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4385-04-241.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE CODE SEC. 42-64 AND 54-132 (D), 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]* ROOF PROJECTIONS FOR A NEW SINGLE-FAMILY RESIDENCE WITHIN THE REQUIRED YARDS BY FORTY-EIGHT INCHES SUBMITTED BY APPLICANTS ALAN AND CATHY LEOW, LOCATED AT 2802 ALSACE COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4385-04-241.

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.




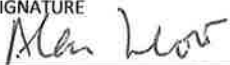
City of Belle Isle

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 Alan Leow	OWNER Same
ADDRESS 313 Kassik Cir, Orlando, FL 32824	PROJECT ADDRESS 2802 Alsace Ct, Belle Isle
CONTACT NUMBER 407-286-6695 (home landline)	OWNER'S CONTACT NUMBER Same
EMAIL leow.alan@gmail.com	OWNER'S EMAIL Same
PARCEL ID# 18-23-30-4385-04-241	
LAND USE CLASSIFICATION 0030	ZONING DISTRICT R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON Section 54-132 (d) - roof projections	
DETAILED VARIANCE REQUEST The present building code requires that roof projections into all setback areas be no more than 24". The architectural style of prairie homes requires longer roof projections so I am requesting a variance that allows up to 48" roof projections into all required setbacks.	
<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 2023-09-026
	DATE OF HEARING

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

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

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

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



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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 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	9/26/23 Date Paid	waved Check/Cash	Rec'd By
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Int. CH

Property Record - 18-23-30-4385-04-241

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

Property Summary

Property Name

2802 Alsace Ct

Names

Leow Alan H
Leow Cathy

Municipality

BI - Belle Isle

Property Use

0030 - Vacant Water

Mailing Address

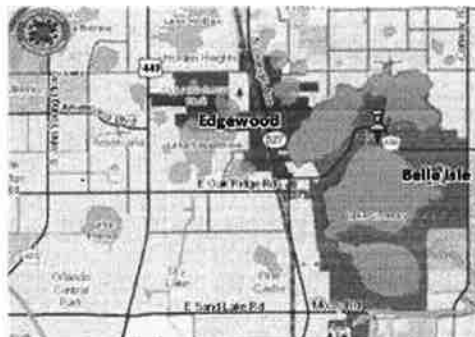
313 Kassik Cir
Orlando, FL 32824-5808

Physical Address

2802 Alsace Ct
Orlando, FL 32812



QR Code For Mobile Phone



Value and Taxes

Historical Value and Tax Benefits

Tax Year Values		Land	Building(s)	Feature(s)	Market Value	Assessed Value
2022	✓ MKT	\$510,000	+	\$0	+	\$0 = \$510,000 (0%)
2021	✓ MKT	\$510,000	+	\$0	+	\$0 = \$510,000 (2.0%)
2020	✓ MKT	\$500,000	+	\$0	+	\$0 = \$500,000 (0%)
2019	✓ MKT	\$500,000	+	\$0	+	\$0 = \$500,000

Tax Year Benefits		Tax Savings
2022	✓	\$0
2021	✓	\$0
2020	✓ \$	\$1,058
2019	✓ \$	\$1,411

2022 Taxable Value and Certified Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	\$510,000	\$0	\$510,000	3.2140 (-7.88%)	\$1,639.14	20 %
Public Schools: By Local Board	\$510,000	\$0	\$510,000	3.2480 (0.00%)	\$1,656.48	20 %
Orange County (General)	\$510,000	\$0	\$510,000	4.4347 (0.00%)	\$2,261.70	27 %
City Of Belle Isle	\$510,000	\$0	\$510,000	4.4018 (0.00%)	\$2,244.92	27 %
Library - Operating Budget	\$510,000	\$0	\$510,000	0.3748 (0.00%)	\$191.15	2 %
St Johns Water Management District	\$510,000	\$0	\$510,000	0.1974 (-9.82%)	\$100.67	1 %
Lake Conway Mstu	\$510,000	\$0	\$510,000	0.4107 (0.00%)	\$209.46	3 %
				16.2814	\$8,303.52	

2022 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
There are no Non-Ad Valorem Assessments				

Property Features

Property Description

LAKE CONWAY ESTATES SECTION FOUR SECOND ADDITION FIRST REPLAT 1/113 LOT 424-A

Total Land Area

34,435 sqft (+/-) | 0.79 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0030 - Vacant Water	R-1-AA	1 LOT(S)	\$510,000.00	\$510,000	\$0.00	\$510,000

Buildings

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
There are no extra features associated with this parcel				

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
03/19/2020	\$520,000	20200197657 /		Warranty Deed	Lenderking Susan Lenderking Howard R Lenderking Marion E Hanlon Milinda	Leow Alan H Leow Cathy	Vacant
10/19/1999	\$100	19990535984 05901 / 1641	Personal Representative's Deed		Lenderking Susan Lenderking Howard R Lenderking Marion E Etal Pers Rep	Lenderking Susan Lenderking Howard R Lenderking Marion E & Hanlon Milinda	Vacant
07/14/1998	\$100	19980305714 05537 / 1967	Personal Representative's Deed		Lenderking Hugh E Estate	Lenderking Susan Lenderking Howard R Lenderking Marion E Etal Pers Rep	Vacant
06/01/1976	\$100	19760978256 02687 / 0838	Warranty Deed				Vacant
06/01/1967	\$17,000	19670116094 01608 / 0306	Warranty Deed				Vacant

Variance Request – Application Supplement

Special Conditions and/or Circumstances

This property is very unusual because it is a peninsula with Lake Conway on 3 sides. The 50' lake setback requirement on 3 sides forces the home to be unnaturally long and thin. On July 25 2023 we applied for a setback variance and the Planning and Zoning Board was kind enough to reduce the setback requirement on the Northeast side of the house to give us extra buildable space and driveway turning space.

We had designed a prairie style house to fit exactly into the approved buildable space of the property. However, we have recently discovered that Belle Isle zoning requires that roof projections extend no more than 24" into the setback space. The prairie style of architecture is characterized by longer roof projections and our house was designed with 36" to 42" roof projections. We therefore request a variance allowing 48" roof projections (a 6" margin of error) to match the house design.

The P&Z Board granted our previous application for variance to allow us to build a house appropriate to this property. This requested variance is consistent with the intent of the variance which was previously granted.

Not Self Created

The circumstances of this property are inherent to the property and not created by the applicant or anybody else.

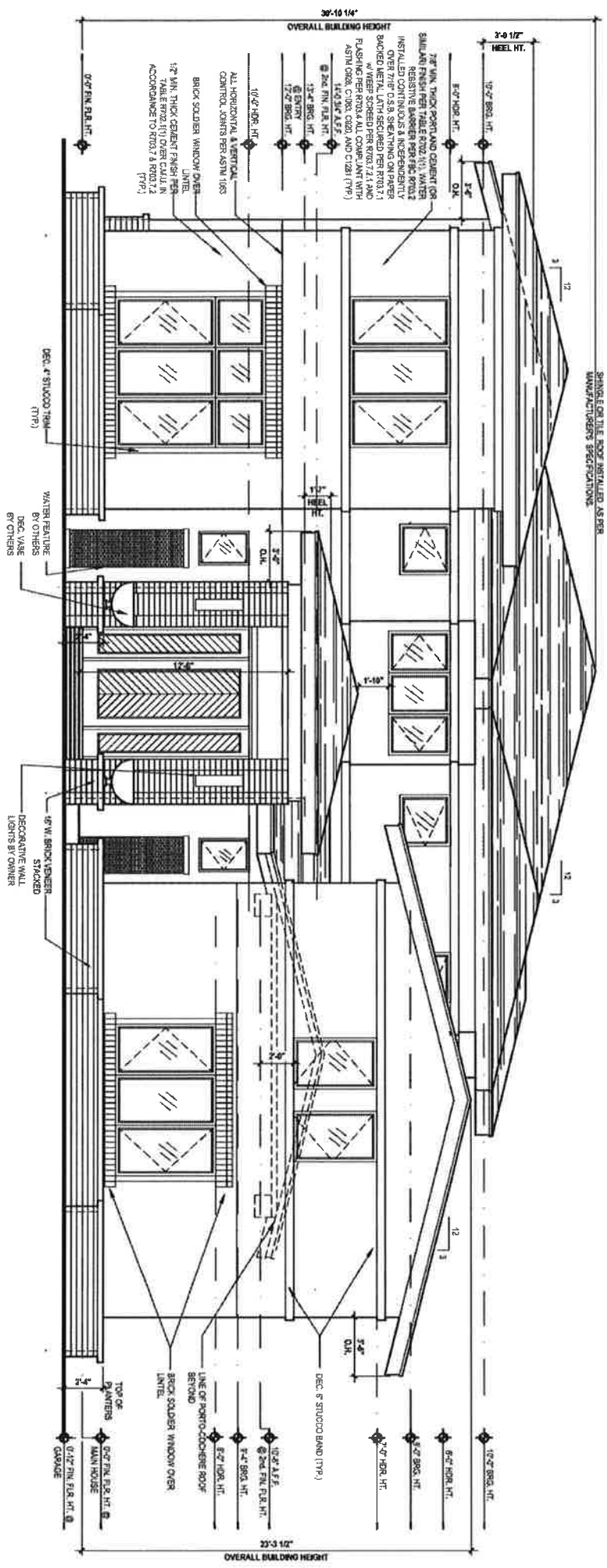
Minimum Possible Variance

The roof projections called for in the design of the house are the minimum required to be consistent with the prairie style architecture of the house.

Purpose and Intent

The approval of this variance will have no impact on adjacent properties or the surrounding neighborhood. The house of the nearest neighbor is at least 100' away. A forest of trees will be on the North and East side of the house/garage so that the house/garage will be mostly behind trees and barely visible from everyone.

SCALE 1/8" = 1'-0"



Front Elevation
 SCALE 1/4" = 1'-0"



Photo #1 - Looking West from Front
of Property





Photo #3 - Looking Southeast at
Proposed House and Patio