

MEMORANDUM

TO: Planning and Zoning Board

DATE: May 23, 2023

RE: Variance Application – 5700 Cove Drive

Public Hearing #2023-04-006

PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 30-133 (e) (3), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PARK A VEHICLE IN THE FRONT YARD WITHIN THREE FEET FROM A SIDE LOT LINE, SUBMITTED BY APPLICANT WILLIAM NASH SHOOK, LOCATED AT 5700 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1660-00-010.

Background:

1. On April 4, 2023, the applicants, William Nash Shook and Cherie R. Shook, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, May 13, 2023, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on May 10, 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 42-64 AND 30-133 (e) (3), TO APPROVE A REQUESTED VARIANCE TO PARK A VEHICLE IN THE FRONT YARD WITHIN THREE FEET FROM A SIDE LOT LINE, SUBMITTED BY APPLICANT WILLIAM NASH SHOOK, LOCATED AT 5700 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1660-00-010.

SAMPLE MOTION TO DENY:

"I move, pursuant Belle Isle 42-64 AND 30-133 (e) (3), the justifying criteria of the Belle Isle Land Development Code, having NOT been met; *[use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone] TO DENY APPROVAL OF TO PARK A VEHICLE IN THE FRONT YARD WITHIN THREE FEET FROM A SIDE LOT LINE, SUBMITTED BY APPLICANT WILLIAM NASH SHOOK, LOCATED AT 5700 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1660-00-010.*

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, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: April 4, 2023

P&Z CASE #: 2023-04-006

VARIANCE SPECIAL EXCEPTION OTHER

DATE OF HEARING: May 23, 2023

| | |
|---|--|
| Applicant <u>William NASH SHOOK</u> | Owner <u>William N. & Cherie R. Shook</u> |
| ADDRESS <u>5700 Cove Drive, Belle Isle</u> | <u>same</u> |
| PHONE: <u>407.497.8767</u> | |
| PARCEL TAX ID #: <u>20-23-30-1660-00-010</u> | |

LAND USE CLASSIFICATION: RESIDENTIAL ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST: RESURFACE ENTIRE EXISTING DRIVEWAY AND EXTEND DRIVEWAY TO NEWLY BUILT GARAGE USING PAVERS; ATTACHING TO EXTEND TO WITHIN 3-5" OF PROPERTY LINE ON NORTH SIDE (THIS IS THE VARIANCE REQUESTED)

SECTION OF CODE VARIANCE REQUESTED ON: SEC 30-133(E)

- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.
- By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.
- Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.
- **Sec. 42-64. - Variances.** The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.
 - o 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.

City of Belle Isle

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

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: April 4, 2023 P&Z CASE #: 2023-04-006
 VARIANCE SPECIAL EXCEPTION OTHER DATE OF HEARING: May 23, 2023

| | |
|---|--|
| Applicant <u>William NASH SHOOK</u> | Owner <u>William N. & Cherie R. Shook</u> |
| ADDRESS <u>5700 COVE DRIVE, BELLE ISLE</u> | <u>same</u> |
| PHONE: <u>407.497.8767</u> | |
| PARCEL TAX ID #: <u>20-23-30-1660-00-010</u> | |

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- By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.
- Applicant shall provide a minimum of ten (10) sets of three (3) photographs of the property to which the

Rept # 730509 **4-6-23**

2623
63-27/631 FL
25177

April 5, 2023
Date

Pay to the Order of CITY OF BELLE ISLE \$ 300.00
THREE HUNDRED & 00/100 Dollars

Bank of America
ACH R/T 063100277

For VARIANCE FEE

[Signature]

⑆063100277⑆ 229023115685⑆ 2623


at one (1) property to which the
 ice from the terms of
 d until:
 rided by the city
 and addressing the
 properly completed
 he board.
 ed by a signed
 rdship and that said
 uding but not
 will continue to
 ircumstances were

- 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.

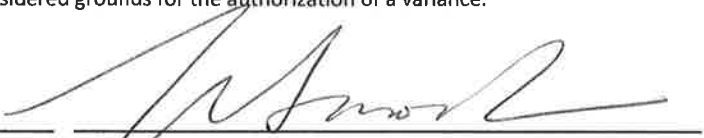
The board shall find that the preceding requirements have been met by the applicant for a variance.

(2) *Violations of conditions.*

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



APPLICANT'S SIGNATURE



OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

Date Paid

Check/Cash

Rec'd By

Determination _____

Appealed to City Council: Yes No

Council Action: _____

Property: 5700 Cove Drive

Applicants: William Nash & Cherie R. Shook

Driveway: Variance Request – Application Supplement

1. Circumstances

- a. When we purchased this property in May 2005, our driveway was covered in asphalt and concrete along the north property line
 - b. In length, the paved area it was approximately 160 feet in length and between 4' - 7' in width over the property line (extending into the Crittenden's property)
 - c. Concerned with the existing variance, I approached Mr. Crittenden (then) and offered to purchase the 'overage' (for many years) but he always declined indicating it was okay for me to use, they did not have a need to use that land
 - d. The length of our northern property line is 236.7' long
 - i. There is 154' (65%) that is covered as follows:
 - ii. 88' of its length is 4" thick concrete
 - iii. 64' of its length is asphalt
 - e. So current driveway is a mix of aged concrete and asphalt that has been cracked, broken and damaged from years of disrepair.
 - f. Traffic from construction of new garage over last six months has accelerated its deterioration
 - g. Demolition of older garage and a large portion of the concrete driveway that connected to it were removed so a third of my driveway is now exposed dirt/mud
 - h. My new garage (which is nearly complete) is inaccessible for use due to above conditions
 - i. Also awaiting remaining punch list items to completed to obtain Certificate of Occupancy
 - j. Currently, the mix and age of surfaces do not add value to my property, it reduces the value;
 - k. We've contracted with GoPro Brick Pavers to resurface our driveway to approximately 177' in length, replacing old asphalt and old concrete
 - l. Right of Way Improvement: additionally, I am seeking to improve a 24' x 10' area belonging to the COBI
 - i. I am also seeking relief from the 3 foot setback requirement in the ROW area so that the driveway width is consistent with what I currently have and will match remaining driveway widths being requested
-

Property: 5700 Cove Drive

Applicants: William Nash & Cherie R. Shook

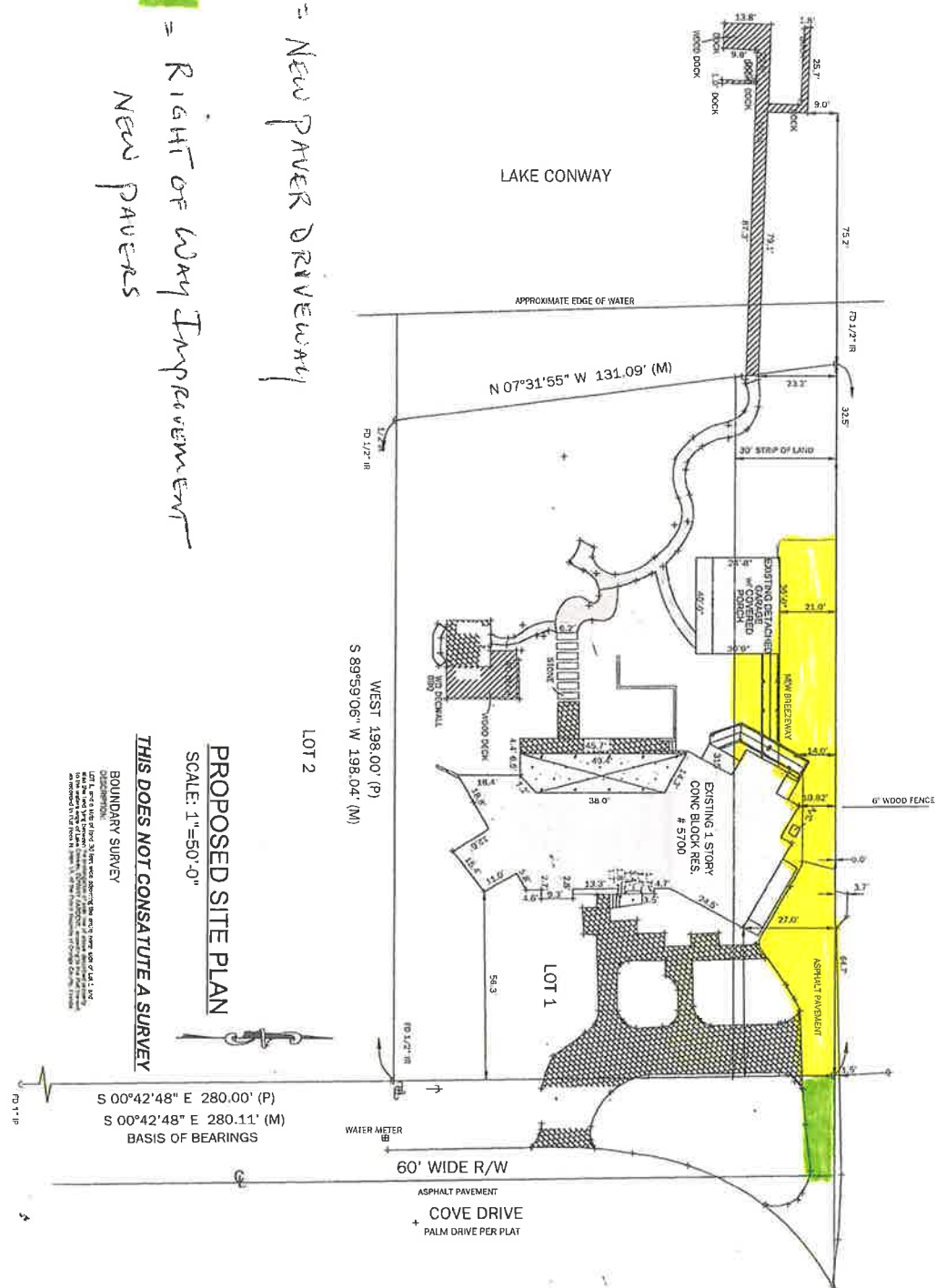
Driveway: Variance Request – Application Supplement (page 2)

2. How the Variance Request Complies with the following:
 - a. How enforcement (requiring a 3 foot setback) would result in hardship
 - i. Narrows the current driveway path –
 1. if applied, there is a 15' length alongside my house where my driveway would then be less than 6 feet wide
 2. This isn't wide enough for most vehicles to drive on
 3. For ease of use, most standard widths of single car driveways are from 10' to 12' wide
 4. My full size truck is 7' wide, my trailer 9.5' wide, my pontoon 9' wide
 - ii. Creates difficulty driving on due to width restriction – alongside of house is most troubling
 1. Requiring the set back would require part of my vehicles to drive off of the paver driveway, likely deteriorating its structure over repeated use
 2. It also increases the risk of my house or my neighbor's fence being struck accidentally
 - iii. Visually unpleasing –
 1. having a 3 foot gap makes the driveway look incomplete
 2. It would also reduce property value
 - b. Special conditions not created to obtain variance
 - i. Character of the neighborhood – would be more impacted if 3 foot setback is enforced since driveway would look unfinished due to the narrowness the setback creates
 - ii. Lakefront homeowners usually have trailers and trucks and need places to park them. These accessories are wider than cars so having an adequate driveway width ensures proper resale value to future property owners
 - iii. If I'm allowed to connect my new driveway up to property line (or short of it), it makes the driveway look 'finished' and professionally done
 - c. Variance request demonstrates the minimum variance needed for reasonable use
 - i. As stated earlier, I want to connect my new paver driveway to existing concrete and asphalt surfaces that are in place now
 - ii. Before we purchased this property, it was an adequately-sized driveway
 - iii. About 3 or 4 years ago, my neighbors erected a fence along their property line which narrowed my driveway significantly
 - iv. I need the 3 feet requirement removed so I can adequately pass alongside of my house and safely access my new garage that has been built in my back yard
 - d. Variance is in harmony, not detrimental or contrary –
 - i. Connecting to my paved driveway to my property line does not remove any value to my neighbors, it adds value to my house and surrounding property
 - ii. I have approached my neighbor on several occasions over the last 15 years to acquire portions of their property in order to widen my driveway. They have refused to sell me any of the property.

= NEW PAVED DRIVEWAY

= RIGHT OF WAY IMPROVEMENT

NEW PAVERS



PROPOSED SITE PLAN

SCALE: 1"=50'-0"

THIS DOES NOT CONSTITUTE A SURVEY

BOUNDARY SURVEY

LET 1, 2 AND 3 BEING PAID FOR BY THE PROPERTY OWNER. THE SURVEYOR'S RESPONSIBILITY IS TO VERIFY THE LOCATION AND AREA OF THE PROPERTY AS SHOWN ON THE PLAT. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE PROPERTY OWNER.

Prepared by
William Nash & Cherie Shook

COVERED WALKWAY (BREEZEWAY)

2023-0224

2 | 4

Address: 5700 Cove Drive
Palm Beach, FL 33419-1616

BUILDER NOTICE:

This plat is a preliminary plat and is subject to change. The final plat will be filed with the county clerk after the project is completed. The surveyor is not responsible for the accuracy of the information provided by the property owner.

March 27, 2023

Digitally signed by
Tomas Ponce
DN: cn=Tomas Ponce, o=Professional Seal, ou=Professional Seal, email=t.ponce@tomasponce.com, c=FL



EXCEPTIONAL FOR RECORD PURPOSES. SEEB MADE BY
TOMAS PONCE MOCEPE
367 MEDALLION PLACE
CIVILUOTA, FL 32766
PHONE (407) 484-0037

AND ARE IN COMPLIANCE WITH THE ZVO TO EDITOR
OF THE LUTHER RECREATIONAL RESORTS CODE

NO CLAIM IS MADE TO THE AUTHORSHIP BY THIS PLAT

TOMAS PONCE
FLPE # 50068

DATE: March 27, 2023

DESIGN & BUILDING CONCEPTS, LLC

407.877.4876
cell: 407.970.8924
johntrank@gmail.com

This exemption receipt is not valid if the ownership or use of the property has changed as of January 1st. Any property owner who fails to notify the Property Appraiser of changes shall be subject to the penalties outlined in F.S. 196.011.

if the property is rented or vacant.

Parcel: 20-23-30-1660-00-010
Situs: 5700 COVE DR
Legal: CONWAY GARDENS R/18 LOT 1 & 30 FT. STRIP ON N & LAND TO LAKE

Exemption: ADDITIONAL HOMESTEAD
HOMESTEAD

Amy Mercado
AMY MERCADO ORANGE COUNTY PROPERTY APPRAISER
FOR FURTHER INFORMATION CALL (407) 836-5044 or visit ocpafl.org

11/21



YOU MAY QUALIFY FOR ADDITIONAL EXEMPTIONS!

Please visit our website at ocpafl.org and click on EXEMPTIONS to find out more!

You may be eligible for Portability and other exemptions including:

- Widow/Widower
- Limited Income Senior
- Total & Permanent Civilian Disability
- Fallen Hero
- Military/Disabled Veterans
- Combat Related Senior Veteran
- Total & Permanent First Responder

Deadline to file for all 2022 exemptions is March 1, 2022

If you no longer qualify for the exemptions shown on this receipt, please contact our office immediately at 407-836-5044



200 S. Orange Avenue, Suite 1700
Orlando, Florida 32801-3438
RETURN SERVICE REQUESTED

MAIL
U.S. POSTAGE
PAID
ORLANDO, FL
PERMIT NO. 1

Parcel: 20-23-30-1660-00-010



74
2-77314

SHOOK WILLIAM N
SHOOK CHERIE R
5700 COVE DR
BELLE ISLE FL 32812-2817



THIS IS YOUR 2022 EXEMPTION RECEIPT CARD

Please Retain for Your Records

THIS IS YOUR 2022 EXEMPTION RECEIPT CARD

Please Retain for Your Records

Property Record - 20-23-30-1660-00-010

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

Property Summary as of 04/05/2023

Property Name

5700 Cove Dr

Names

Shook William N
Shook Cherie R

Municipality

BI - Belle Isle

Property Use

0130 - Sfr - Lake Front

Mailing Address

5700 Cove Dr
Belle Isle, FL 32812-2817

Physical Address

5700 Cove Dr
Orlando, FL 32812



QR Code For Mobile Phone



5700 COVE DR, BELLE ISLE, FL 32812 2/17/2023 8:56 AM



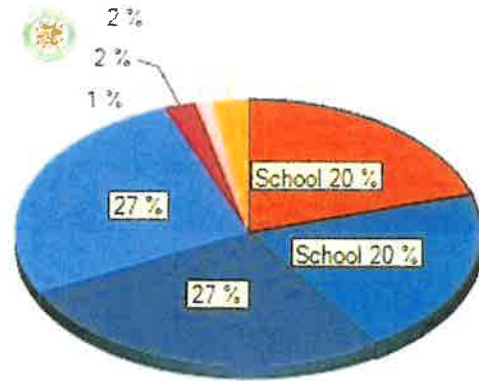
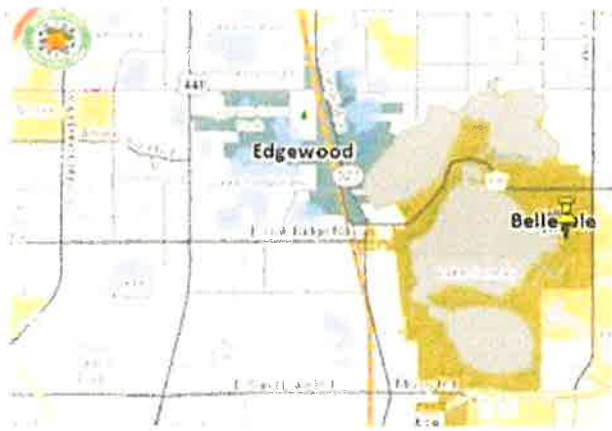
5700 COVE DR, ORLANDO, FL 32812 5/7/2019 2:24 PM



5700 COVE DR, ORLANDO, FL 32812 12/3/2015 2:19 PM



302320166000010 09/28/2006



Value and Taxes

Historical Value and Tax Benefits

| Tax Year Values | Land | Building(s) | Feature(s) | Market Value | Assessed Value |
|-----------------|-----------|-------------|------------|--------------------|-------------------------|
| 2022 | \$498,000 | + \$301,840 | + \$24,500 | = \$824,340 (13%) | \$574,452 (3.0%) |
| 2021 | \$415,000 | + \$291,441 | + \$24,500 | = \$730,941 (1.0%) | \$557,720 (1.4%) |
| 2020 | \$405,000 | + \$294,143 | + \$24,500 | = \$723,643 (3.2%) | \$550,020 (2.3%) |
| 2019 | \$380,000 | + \$296,846 | + \$24,500 | = \$701,346 | \$537,654 |

| Tax Year Benefits | Original Homestead | Additional Hx | Other Exemptions | SOH Cap | Tax Savings |
|-------------------|--------------------|---------------|------------------|-----------|----------------|
| 2022 | \$25,000 | \$25,000 | \$0 | \$249,888 | \$4,721 |
| 2021 | \$25,000 | \$25,000 | \$0 | \$173,221 | \$3,532 |
| 2020 | \$25,000 | \$25,000 | \$0 | \$173,623 | \$3,565 |
| 2019 | \$25,000 | \$25,000 | \$0 | \$163,692 | \$3,449 |

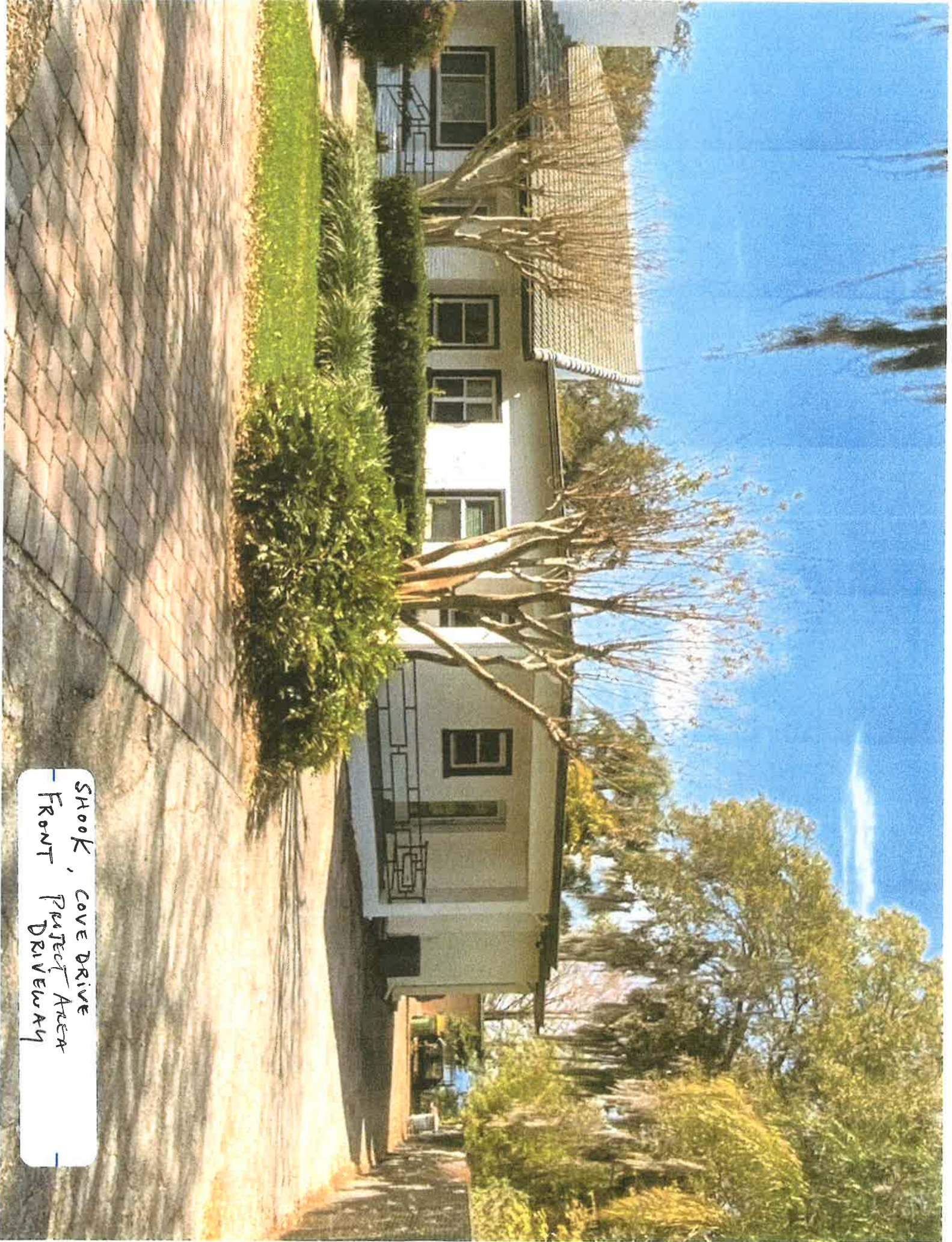
2022 Taxable Value and Certified Taxes

| Taxing Authority | Assd Value | Exemption | Tax Value | Millage Rate | Taxes | % |
|------------------------------------|------------|-----------|-----------|-----------------|-------------------|------|
| Public Schools: By State Law (Rle) | \$574,452 | \$25,000 | \$549,452 | 3.2140 (-7.88%) | \$1,765.94 | 20 % |
| Public Schools: By Local Board | \$574,452 | \$25,000 | \$549,452 | 3.2480 (0.00%) | \$1,784.62 | 21 % |
| Orange County (General) | \$574,452 | \$50,000 | \$524,452 | 4.4347 (0.00%) | \$2,325.79 | 27 % |
| City Of Belle Isle | \$574,452 | \$50,000 | \$524,452 | 4.4018 (0.00%) | \$2,308.53 | 27 % |
| Library - Operating Budget | \$574,452 | \$50,000 | \$524,452 | 0.3748 (0.00%) | \$196.56 | 2 % |
| St Johns Water Management District | \$574,452 | \$50,000 | \$524,452 | 0.1974 (-9.82%) | \$103.53 | 1 % |
| Lake Conway Mstu | \$574,452 | \$50,000 | \$524,452 | 0.4107 (0.00%) | \$215.39 | 2 % |
| | | | | 16.2814 | \$8,700.36 | |

2022 Non-Ad Valorem Assessments

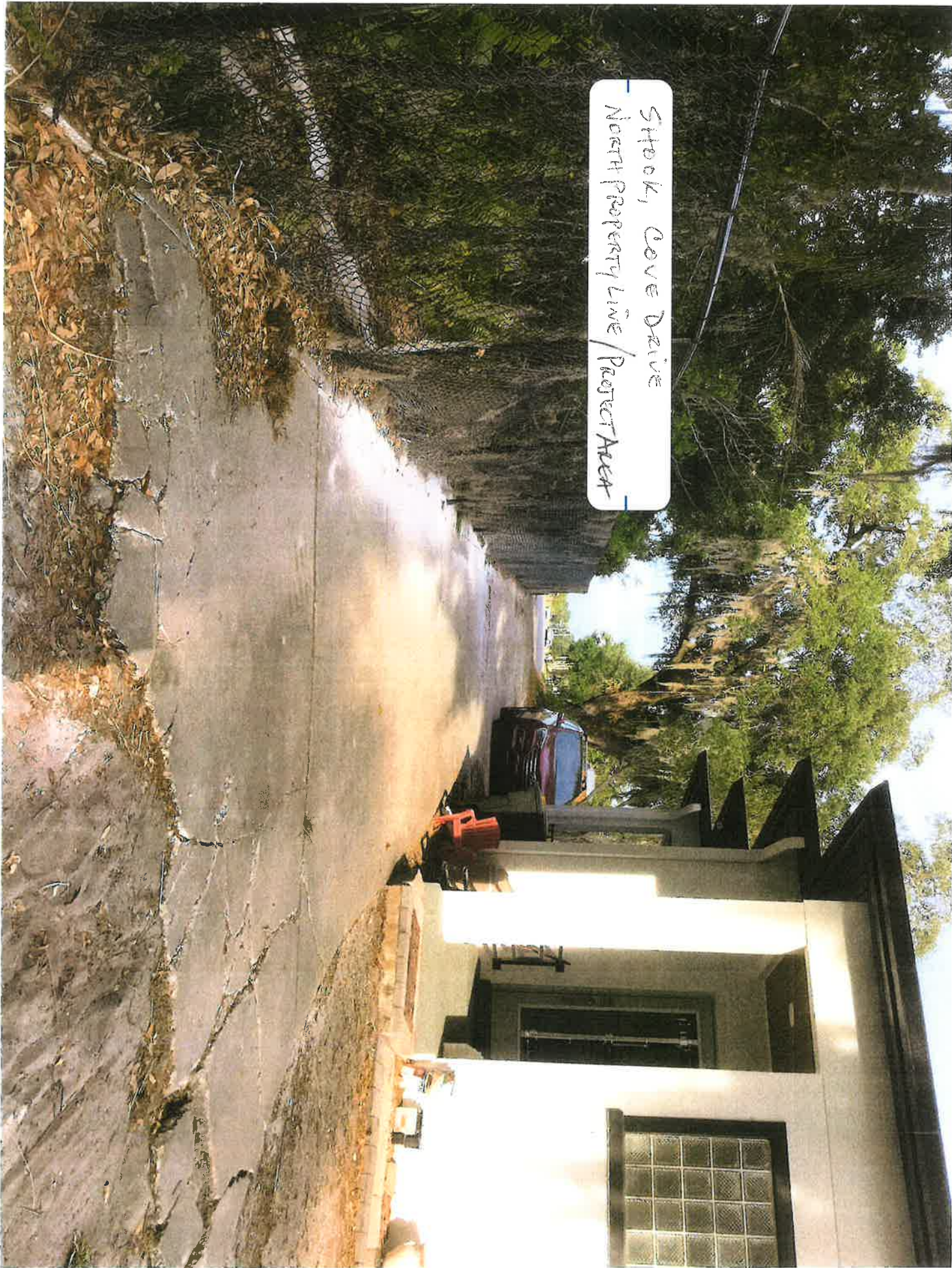


SHOOK, COVE DRIVE
FRONT DRIVEWAY WIDE VIEW



SHOOK, COVE DRIVE
FRONT, PAVED AREA
DRIVEWAY

Sitook, Cove Drive
North Property Line / Protect Area





SHOOK, COVE DRIVE
REAR DRIVEWAY / PROTECT AREA

SHook, Cove Drive
RIGHT OF WAY SECTION

