

MEMORANDUM

TO: Planning and Zoning Board

DATE: June 25, 2024

RE: Variance Application – 1633 WIND DRIFT ROAD

PUBLIC HEARING #2024-06-008 - 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 DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030.

Background:

1. On June 5, 2024, the applicant submitted a variance application and the required paperwork.
2. Letters to the abutting property owners were mailed within 300 feet of the subject property on June 14, 2024.
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on June 15, 2024.

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 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 DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE CODE CODE 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 DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030..

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	DAVID SMITH A1	OWNER	DAVID SMITH A1
ADDRESS	1633 Wind Drift rd Belle Isle	PROJECT ADDRESS	SAME
CONTACT NUMBER	4074894185	OWNER'S CONTACT NUMBER	SAME
EMAIL	A1Sept@aol.com	OWNER'S EMAIL	SAME
PARCEL ID#	30-23-30-0604-01-030		
LAND USE CLASSIFICATION	0100 SINGLE	ZONING DISTRICT	R1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON	50-102 A1		
DETAILED VARIANCE REQUEST	SEE ATTACHED!!!		

- 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
	2024-06-008
	DATE OF HEARING
	6/25/24

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

Original

Variance Request

David Smith

1633 Wind drift Rd. Belle Isle Fl 32809

I am hereby requesting a variance to replace and build a new larger detached building/garage. Because of the direction of my existing garage I am not able to build onto my home as it is. My existing garage does not face the street or driveway. I am requesting permission to build detached so I can place me antique collectible cars inside new garage.

Dave Smith

A1 Septic

NARRATIVE:

1633 Wind Drift rd. Belle Isle, 32809

Special condition:

Extending or building onto my existing garage is not possible because my existing garage does not face the driveway or street. When pulling into my driveway I must turn right at 90 degrees to enter my garage. This building meets other zoning requirement for a detached garage. I already have a metal building in same location, 12W x18L x10.6H and want to remove it and replace with bigger one 16W x 32L x 14H to park cars.. A metal building similar to what I what to add was just approved by the city of Belle Isle on Indian dr.

Special condition:

My home is in the original condition as built. The home is in same built as it was built in 1978 so no changes were made by owner to cause this hardship. Since the home was built so many years ago it makes it difficult to add on to existing. so detached is only option.

MINIMUM:

I have considered other options, but none will work for the following reasons. Adding on to existing garage would be cheaper but not possible because my existing garage is at a 90 degree angle to my driveway. Adding on would be nice but not feasible because cannot drive-up driveway then turn 90 degrees into existing garage if it was bigger.

PURPOSE & INTENT

The property to my west is a 2-story house so it will have no effects as far as, adequate light, air or any other reason. The property to my east is on the opposite end of the proposed addition, so should not have any effects. Building this addition will have no impact on traffic or pedestrian safety.

_____ **Date** _____

David Smith

2024.04.

30

22:59:15



Form Works Architecture

the SMITH RESIDENCE

1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809

DATE: APR. 24, 2024

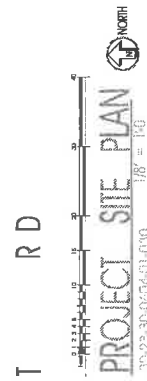
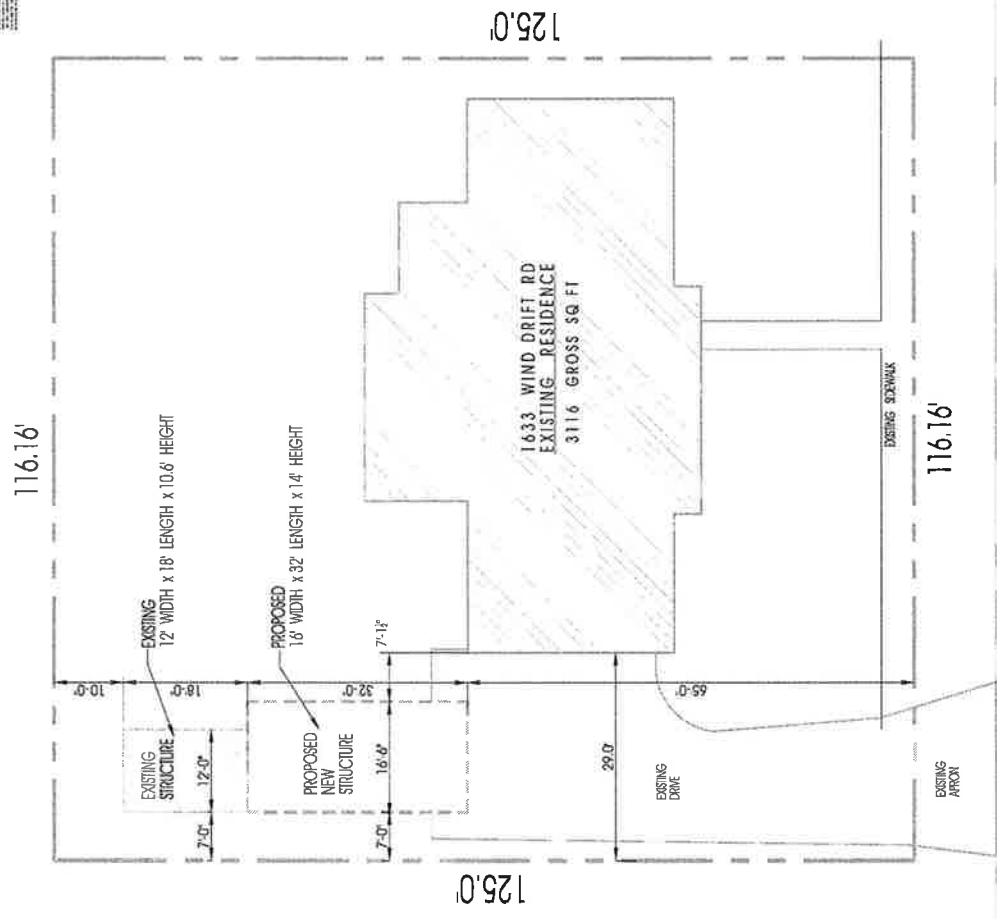
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VICINITY MAP
1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809

CODE INFORMATION

ADOPTED CODES	FLORIDA BUILDING CODE - 2023 6th Edition
BUILDING:	FLORIDA BUILDING CODE - 2023, EXISTING BUILDING
	FLORIDA BUILDING CODE - 2023, RESIDENTIAL
FIRE:	FLORIDA FIRE PREVENTION CODE - 2023
ELECTRICAL:	CHAPTER 27 - NFPA 70, NATIONAL ELECTRIC CODE, 2020 EDITION
ACCESSIBILITY:	2023 FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION
ENERGY:	IRC 2023 ENERGY EFFICIENCY FOR BLDG CONSTRUCTION



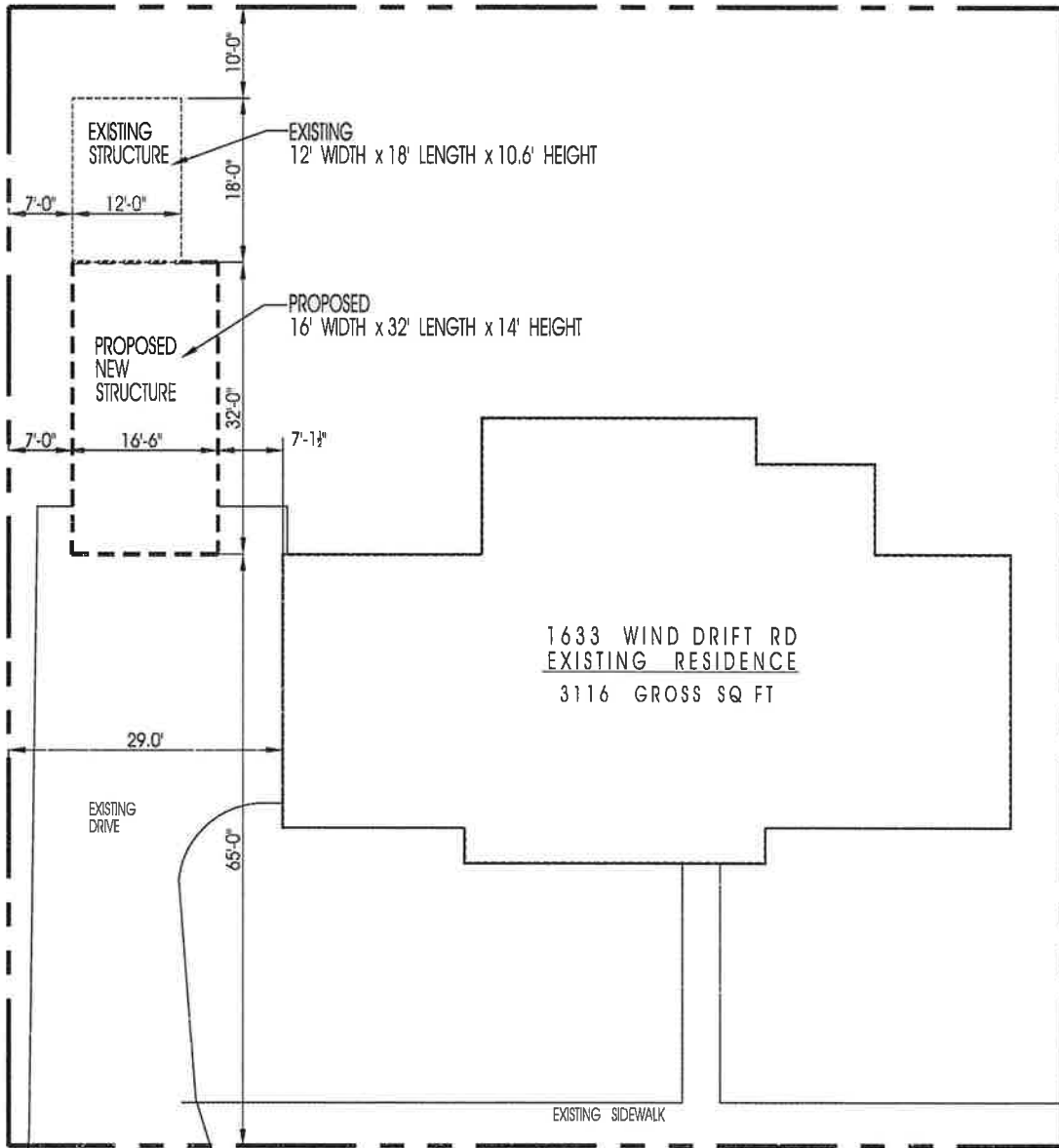
WIND DRIFT RD

116.16'

125.0'

125.0'

116.16'



EXISTING STRUCTURE
EXISTING
12' WIDTH x 18' LENGTH x 10.6' HEIGHT

PROPOSED NEW STRUCTURE
PROPOSED
16' WIDTH x 32' LENGTH x 14' HEIGHT

1633 WIND DRIFT RD
EXISTING RESIDENCE
3116 GROSS SQ FT

EXISTING DRIVE

EXISTING SIDEWALK

EXISTING APRON

PROJECT SITE PLAN

30-23-30-0604-01-030

1/8" = 1'-0"



NORTH

WIND DRIFT RD

This Instrument Prepared By
and Should be Returned To:

Robert L. Harding, Esq.
Railey & Harding, P.A.
20 North Eola Drive
Orlando, Florida 32801

DOC# 20110261456 B: 10215 P: 1899
05/17/2011 12:49:49 PM Page 1 of 2
Rec Fee: \$18.50
Deed Doc Tax: \$805.00
DOR Admin Fee: \$0.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Martha D. Haynie, Comptroller
Orange County, FL
SA - Ret To: CAROL W CAMPBELL

WARRANTY DEED

THIS WARRANTY DEED is made the 5th day of May, 2011, by **HATTIE SESSION, an unremarried widow**, whose address is 1633 Wind Drift Rd., Orlando, Florida 32809, as **GRANTOR**, to **DAVID F. SMITH and ELAINE DORIS SMITH, husband and wife**, whose address is 4940 Legacy Oaks Drive, Orlando, Florida 32839, as **GRANTEE**.

WITNESSETH,

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, all that certain land situate in Orange County, Florida, viz:

Lot 3, Block A, Belle Isle Pines, Unit II, according to the map or plat thereof, as recorded in Plat Book 7, Page 2, of the Public Records of Orange County, Florida.

PARCEL I.D. #: 30-23-30-0604-01030

PROPERTY ADDRESS: 1633 Wind Drift Rd., Orlando, FL
32809

The Property is the homestead of the Grantor.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same 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 for real property taxes for the year 2011 and thereafter, not yet due and payable and restrictions, easements, agreements and reservations of record but shall not act to reimpose same.

IN WITNESS WHEREOF, Grantor has set her hand and seal the day and year first above written.

Signed, sealed, and delivered in the presence of:

[Handwritten signature]
Witness 1

ROBERT HARDING
Print Name

Carol W. Campbell
Witness 2

CAROL W. CAMPBELL
Print Name

GRANTOR:

*Hattie Session, by Thelma Brooks
as attorney in fact by Durable
power of attorney dated December 16, 2010*

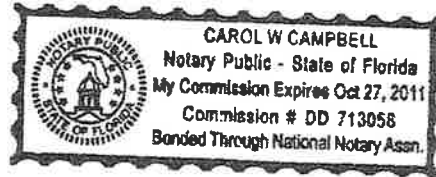
Hattie Session, by Thelma Brooks,
as attorney in fact by Durable Power
of Attorney dated December 16, 2010

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 2nd day of May, 2011, by Thelma Brooks, as attorney in fact for Hattie Session, by Durable Power of Attorney dated December 16, 2010, who is personally known to me or who has produced FL DRIVERS LICENSE as identification.

Carol Campbell
(Signature)

NOTARY PUBLIC - STATE OF FLORIDA
SERIAL NO.:

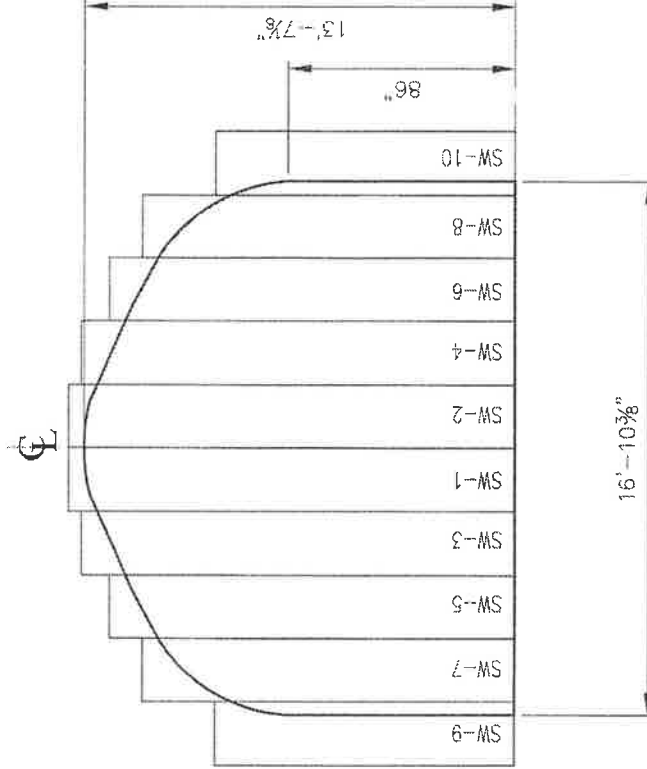


MODEL: P16-14

CUST. NAME: DAVE SMITH

ORDER NUMBER: 106016

P16-14 SOLID	
PANEL #	LENGTH
SW1-SW2	168
SW3-SW4	164
SW5-SW6	153
SW7-SW8	141
SW9-SW10	116



WALL DETAILS

ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOOR

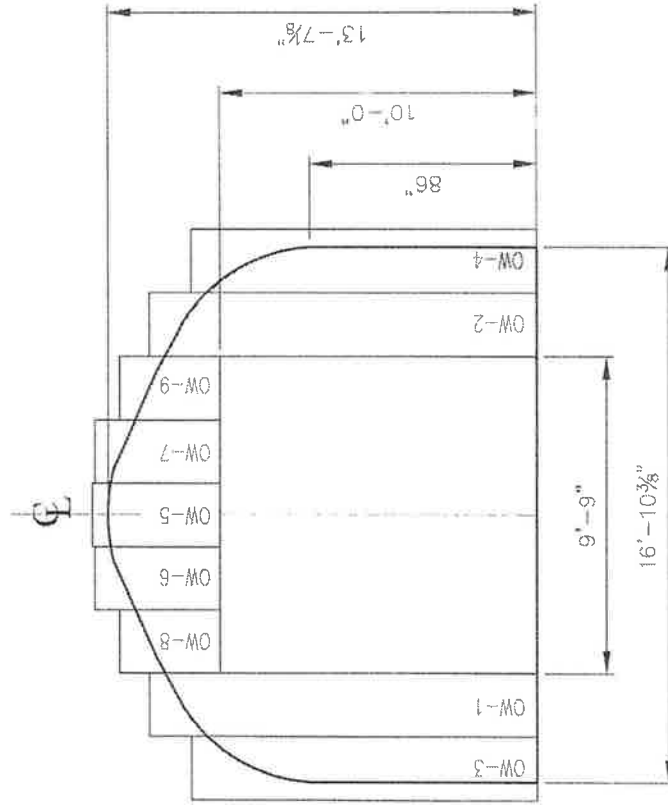
SCALE: NTS SHEET: 5 OF 6

MODEL: P16-14

CUST. NAME: DAVE SMITH

ORDER NUMBER: 106016

P16-14	
10'H X 10'W OPENING	
PANEL #	LENGTH
OW1-OW2	147
OW3-OW4	131
ABOVE OPENING PANELS	
OW-5	48
OW6-OW7	47
OW8-OW9	38



WALL DETAILS

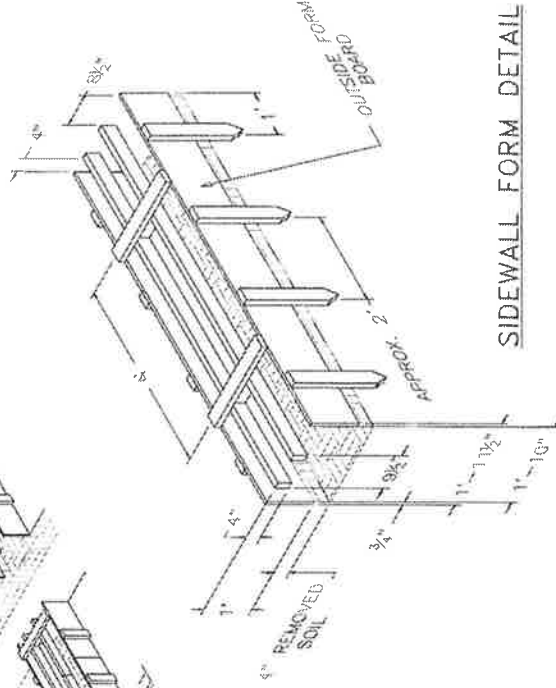
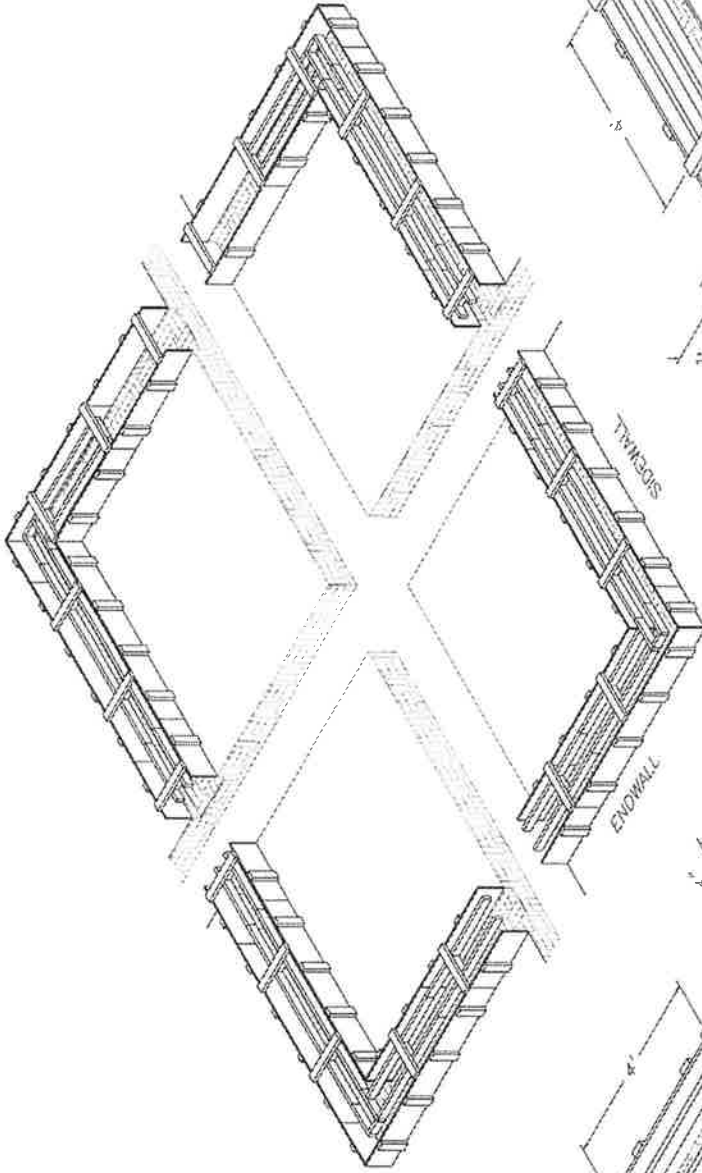
ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOOR

SCALE: NTS SHEET: 6 OF 6

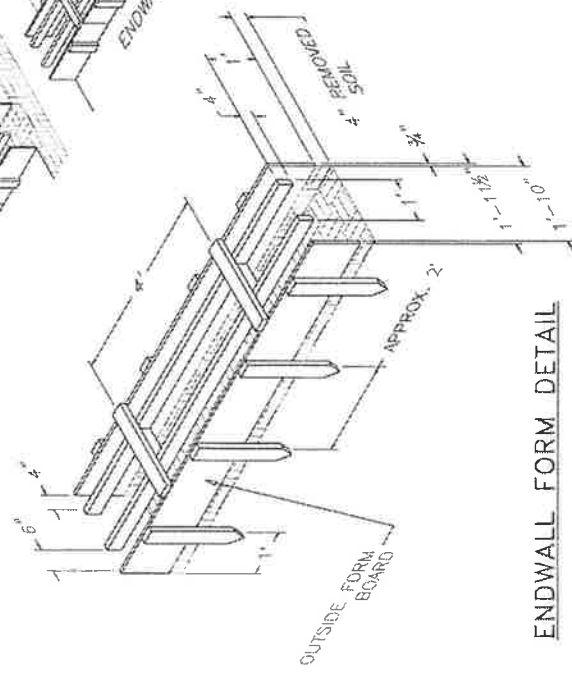
MODEL: P16-14

CUST. NAME: DAVE SMITH

ORDER NUMBER: 106016



SIDEWALL FORM DETAIL

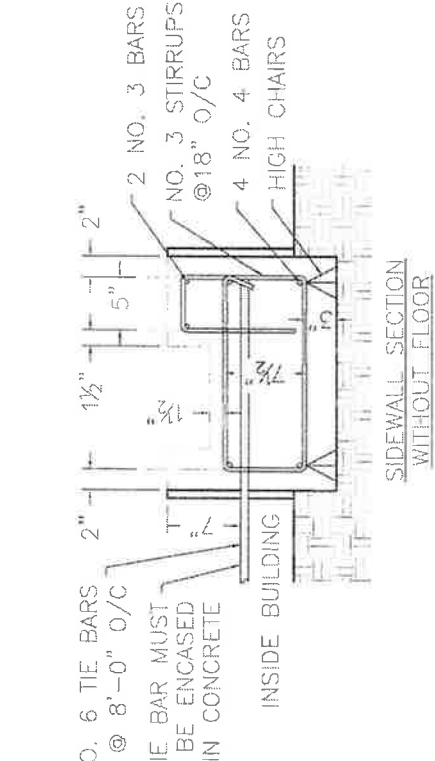
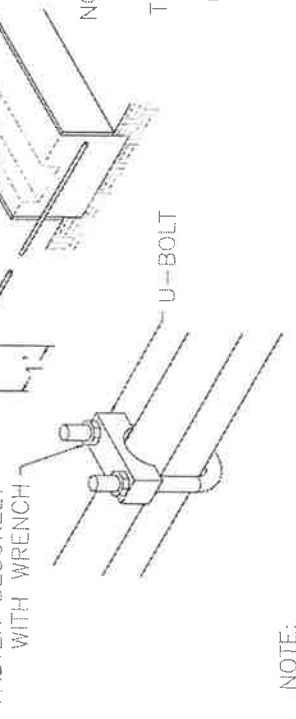
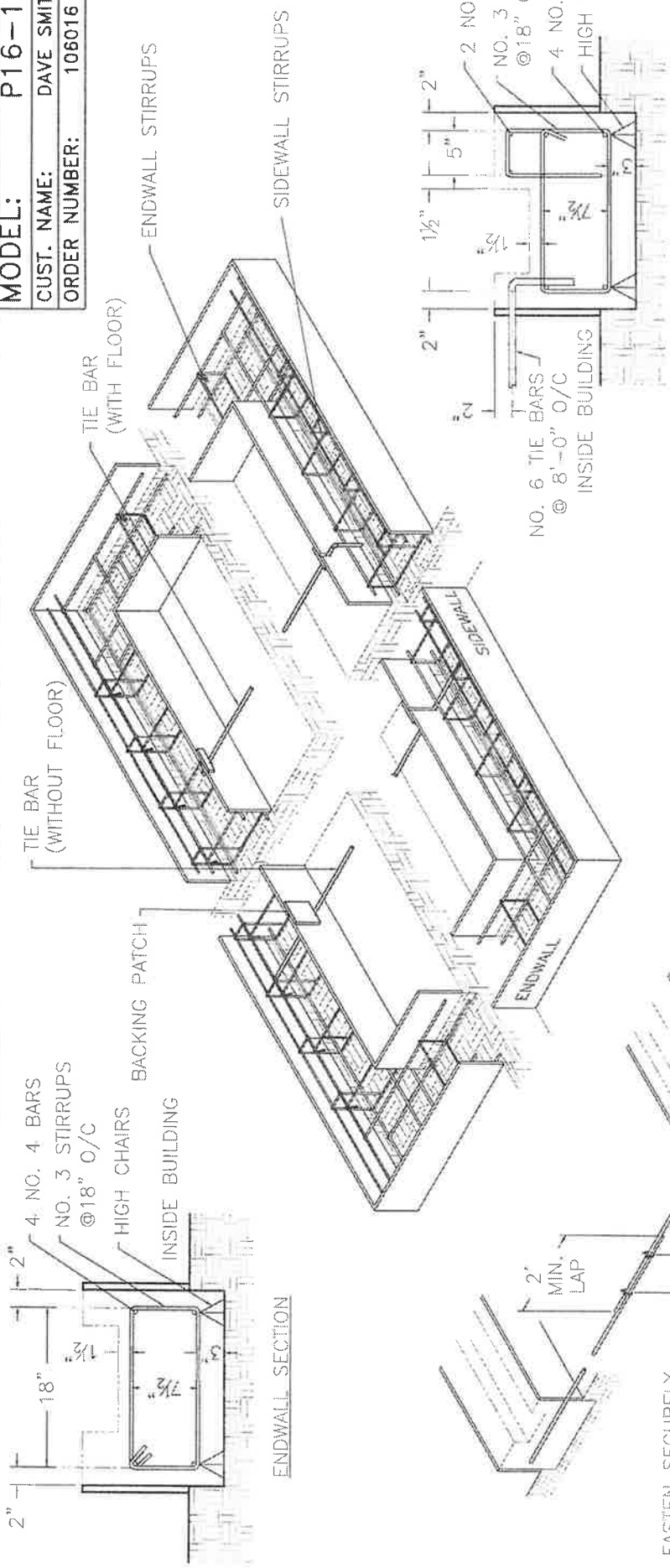


ENDWALL FORM DETAIL

CONCRETE TROUGH FOUNDATION
WOODEN FORM ARRANGEMENT
ONE ENDWALL SOLID & ONE ENDWALL
WITH AN OPENING OR OVERHEAD DOOR
SCALE: NTS SHEET: 3 OF 6

NOTES: REINFORCING STEEL NOT SHOWN. REFER TO SHEET #4

MODEL: P16-14
CUST. NAME: DAVE SMITH
ORDER NUMBER: 106016



REBAR TABLE		
BAR NO.	DIAMETER	MIN. LAP
NO. 3 (10M)	3/8" (11.3mm)	1'-0"
NO. 4 (15M)	1/2" (16.0mm)	1'-4"
NO. 6 (20M)	3/4" (19.5mm)	2'-0"

CONCRETE TROUGH FOUNDATION
STEEL REINFORCEMENTS
ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOOR
SCALE: NTS **SHEET: 4 OF 6**

TIE BAR SPlicing
DETAIL

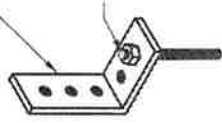
ATTENTION:

The foundation shown may not conform to your local by-laws and has no warranty as to its sufficiency for your particular area and or application. Retain a registered professional engineer to design a foundation which meets local by-laws and frost level depth requirements (if applicable), is adequate for soil conditions on the site, and conforms to the intended use of the building. The engineer should also be retained to inspect construction to ensure that the foundation is being built in conformity with his design. If the design engineer requires, retain a soils engineering specialist to report on soil conditions and soil compaction values.

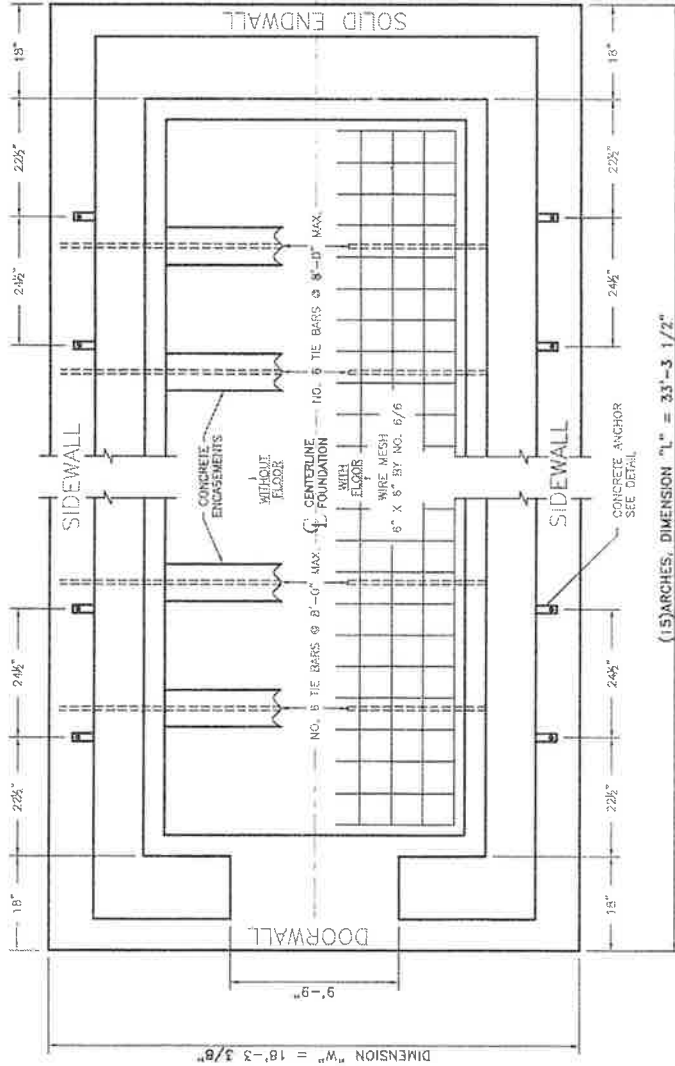
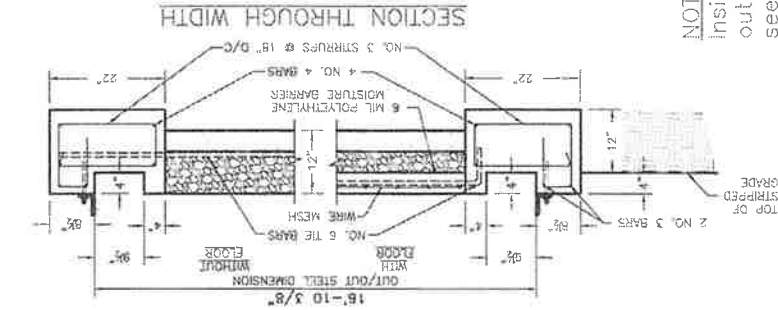
MODEL: P16-14
CUST. NAME: DAVE SMITH
ORDER NUMBER: 106016

PERFORATED STRAP
 NOT FACTORY SUPPLIED
 (AVAILABLE AT MOST LOCAL
 HARDWARE STORES)

CONCRETE ANCHOR
 (NOT FACTORY SUPPLIED)



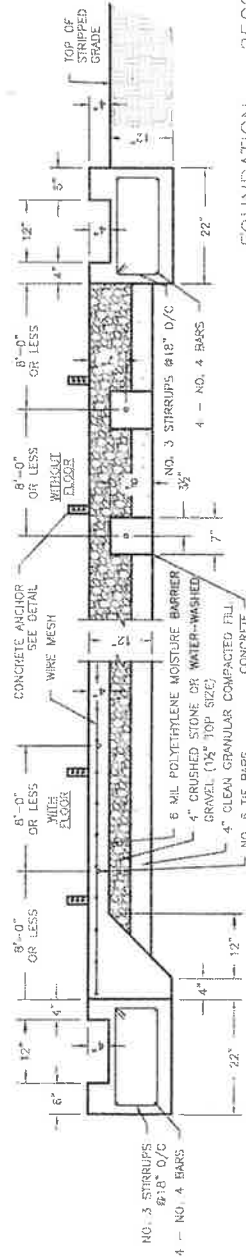
CONCRETE ANCHOR DETAIL



NOTE:

Inside grouting should be higher than outside grouting to prevent water seepage. Concrete grouting procedures must be in accordance with factory specifications to retain structural warranty.

CONCRETE TROUGH FOUNDATION
GENERAL ARRANGEMENT
ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOOR
SCALE: NTS **SHEET: 2 OF 6**



FOUNDATION -- 2500 PSI STRENGTH
 GROUT -- 5000 PSI STRENGTH

SECTION THROUGH LENGTH

MODEL: P16-14

CUST. NAME: DAVE SMITH

ORDER NUMBER: 106016

GENERAL NOTES:

1. NO LOADS OTHER THAN THOSE GIVEN UNDER "DESIGN DATA" BELOW BE IMPOSED ON THE "STRUCTURE"
2. THE FOUNDATION ON THE DRAWING IS A SUGGESTED SOLUTION ONLY. CHANGES MAY BE NECESSARY DUE TO LOCAL BUILDING REGULATIONS.
3. THE FOUNDATION SHALL BE FOUNDED ON NATURAL UNDISTURBED SOIL CAPABLE OF SAFELY SUSTAINING 1500 PSF. AND AT LEAST 12 IN. BELOW FINISHED GRADE.
4. SLAB ON GRADE SHALL BE PLACED ON SOIL CAPABLE OF SUSTAINING 500 PSF. WITHOUT APPROPRIATE SETTLEMENT.
5. BUILDING MUST BE GROUTED INTO TROUGH, INSIDE AND OUT TO MAINTAIN STRUCTURAL INTEGRITY EXCEPT WHEN USING BASE PLATE CONNECTORS.
6. CROSS TIES MUST BE INCASED IN CONCRETE WHEN CONCRETE SLAB IS NOT USED

ARCH DATA:

DESIGN DATA:

STEEL GAGE: .22
 50 KSI MIN. YIELD STEEL
 GALVALUME SHEET STEEL
 LIVE LOAD: 75 PSF
 ULTIMATE WIND SPEED: 150 MPH

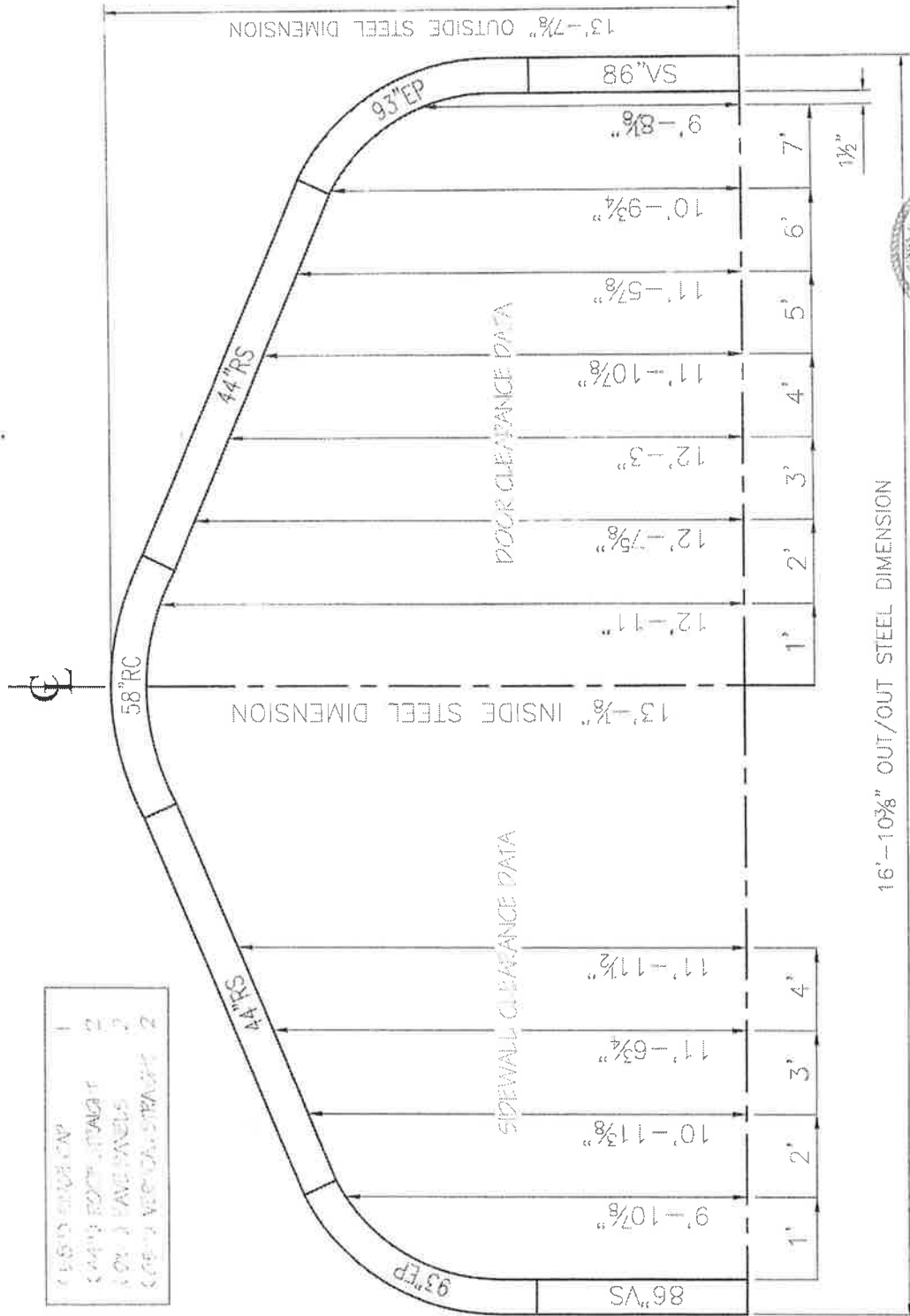
MATERIALS:

1. CONCRETE STRENGTH AT 28 DAYS TO BE 2500 PSI
2. REINFORCING STEEL TO BE DEFORMED BARS, GRADE 60
3. ALL MATERIALS SHALL CONFORM TO THE APPROPRIATE ASTM SPECIFICATIONS.

ARCH PROFILE

ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOOR

SCALE: NTS SHEET: 1 OF 6



1. DESIGNER'S CAP
 2. CLIENT'S APPROVAL
 3. ALL DIMENSIONS
 4. REFER TO VERTICAL STRAINS

