

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 28, 2023

RE: Variance Application – 1729 Idaho Avenue

Public Hearing #2023-02-008:

PURSUANT TO BELLE ISLE CODE SEC. 50-102 (A) (5) (A) AND SEC. 50-102 (A) (5) (F), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO CONSTRUCT A DETACHED GARAGE WITHIN 10 FEET OF THE REAR SETBACK REQUIREMENT AND EXCEED THE ALLOWABLE TOTAL MAXIMUM SQUARE FOOTAGE OF 600 SQUARE FEET, SUBMITTED BY APPLICANT KYLE SHEPPERD, REPRESENTING THE HOMEOWNERS ROBERT L KERSHNER AND PATRICIA B KERSHNER LOCATED AT 1729 IDAHO AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-18-220.

Background:

1. On February 2, 2023, the applicant, Robert Kershner, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, February 18, 2023, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on February 17, 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 will need to 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 SEC. 50-102 (A) (5) (A), SEC. 50-102 (A) (5) (F) AND SEC. 42-64 of the Belle Isle Land Development Code, having been met **TO APPROVE A DETACHED GARAGE WITHIN 10 FEET OF THE REAR SETBACK REQUIREMENT AND EXCEED THE ALLOWABLE TOTAL MAXIMUM SQUARE FOOTAGE OF 600 SQUARE FEET, SUBMITTED BY APPLICANT KYLE SHEPPERD, REPRESENTING THE HOMEOWNERS ROBERT L KERSHNER AND PATRICIA B KERSHNER LOCATED AT 1729 IDAHO AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-18-220**

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code SEC. 50-102 (A) (5) (A), SEC. 50-102 (A) (5) (F) AND SEC. 42-64, 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 A DETACHED GARAGE WITHIN 10 FEET OF THE REAR SETBACK REQUIREMENT AND EXCEED THE ALLOWABLE TOTAL MAXIMUM SQUARE FOOTAGE OF 600 SQUARE FEET, SUBMITTED BY APPLICANT KYLE SHEPPERD, REPRESENTING THE HOMEOWNERS ROBERT L KERSHNER AND PATRICIA B KERSHNER LOCATED AT 1729 IDAHO AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-18-220.***

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 Kyle S Sheppard	OWNER Robert Kershner
ADDRESS 1700 Triangle Ave.	PROJECT ADDRESS 1729 Idaho Ave.
CONTACT NUMBER 407-415-4158	OWNER'S CONTACT NUMBER 407-257-1521
EMAIL design@categoryarchitecture.com	OWNER'S EMAIL rkershner@southernsafetyand
PARCEL ID# 25-23-29-5884-18-220	
LAND USE CLASSIFICATION	ZONING DISTRICT A-1-A
SECTION OF THE CODE VARIANCE REQUESTED ON SEC. 50-102(A)(5)(A) & 50-102 (A)(5)(F)	
DETAILED VARIANCE REQUEST LONG TERM OWNERS OF 1729 IDAHO AVE ARE REQUESTING A VARIANCE TO ALLOW FOR A GARAGE W/ PORCH OF 1,121 SQ FT (744 SQ FT RESPECTIVELY & MINXIMATLEY) TO BE DETACHED BY REST 5-25' FROM THE REAR SETBACK	
<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 2023-02-008 DATE OF HEARING 2-28-2023

Supply.com

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

Variance Request Narrative
1729 Idaho Ave., Orlando, FL 32809

The owners of 1729 Idaho Ave. requesting a variance to allow for the addition of a detached garage and porch modeled from the elevations of the existing home. The new garage is to cater to the automotive hobbyist owners who wish to have a workshop on their property within the proposed garage in the neighborhood that they have grown to love. The property has been in the family since 1970 when Henry Bosser and family moved back to Florida after retiring from the United States Air Force. Current ownership is Robert & Patricia Bosser Kershner, daughter of Henry & Helen Bosser. We are very sentimental about this property, the Belle Isle community & want to construct a tastefully designed workshop. We feel the current design, thanks to Kyle Sheppard, accomplishes that goal.

The area of the structure is designed to be no deeper than the width of the current home and is sized to house two cars, have area to work around, and area store tools. The high ceiling is designed to allow hot air to rise up above the owners while they work and to allow for one lift to work under a vehicle.

The property currently does not have space to add a garage connected to the house without diminishing daylight into a bedroom and bathroom. The other option was off-site garage space. This is not ideal as the family wants to easily share the hobby with the family, would feel less secure off site, and would not allow for future use of the space for other family hobbies such as art/painting.

The first of two requests is in regards to the proposed placement of 5.25' from the rear of the property citing **Sec. 50-102 (a) (5) (a)**. The proposed placement will be 7.5' from the side of the property, and 7' from the existing home. The second request is for a proposed garage to be 1,121sf (744sf garage & 377sf porch) citing **Sec. 50-102 (a) (5) (f)**. Access to the garage is from the current curb cut and current driveway. The density of residence and neighborhood would not be changed. Placement and use of the garage and porch would have no more impact to adjacent properties than expected.

We see this as an opportunity for the busy pedestrian street to interact with the artists and hobbyist who continue to be a part of the neighborhood and see this as a detached extension of their home and the community.

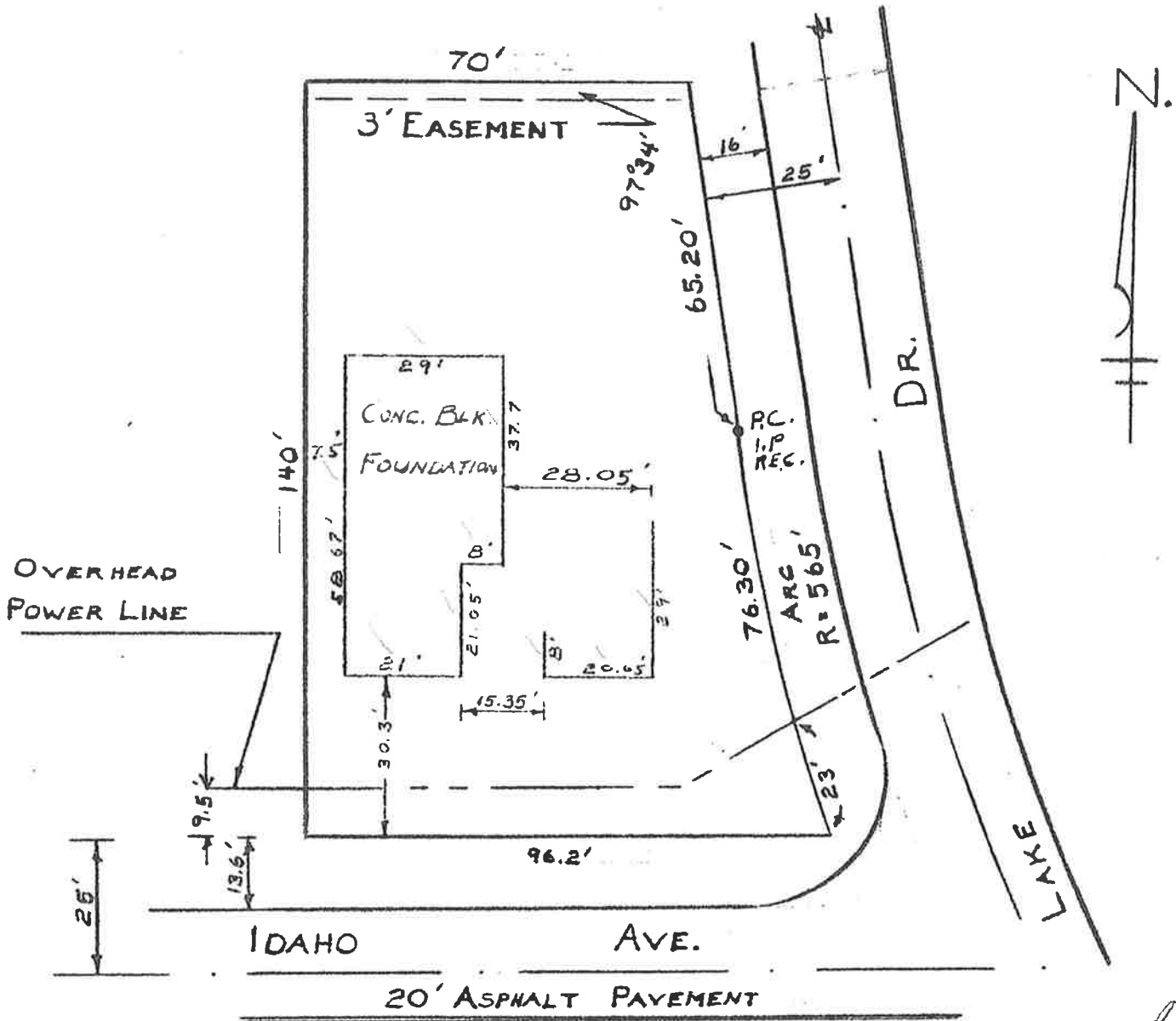
Thank you for reviewing our application for a variance request. We are always available to answer any questions you may have and look forward to participating at the scheduled hearing.

PLAT OF SURVEY

FOR: MR. EARL GORMAN / AND, OR MR. H. L. McLENNAN

DESCRIPTION:

LOT 22, BLOCK B, NELA ISLE MAINLAND SECTION, AS RECORDED IN PLAT BOOK N, PAGE 55, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



CERTIFIED CORRECT

Ralph Singleton
RALPH SINGLETON,
REGISTERED LAND SURVEYOR NO. 1680
2107 DANLEY ST., ORLANDO, FLORIDA
GA-3-3128

DATE: JULY 7, 1965
FOUNDATION ADDED: 8-7-65
SCALE: 1" = 50'

JOB NO: 65-178

27259

Variance Photos
1729 Idaho Ave., Orlando, FL 32809

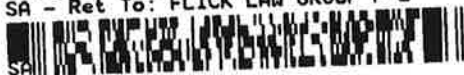




Prepared by and return to:

James M. Flick
3700 South Conway Road
Suite 100
Orlando, FL 32812

DOC# 20200438818
08/19/2020 03:01:54 PM Page 1 of 2
Rec Fee: \$18.50
Deed Doc Tax: \$0.00
DOR Admin Fee: \$0.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Phil Diamond, Comptroller
Orange County, FL
SA - Ret To: FLICK LAW GROUP P L



(Space above this line reserved for recording office use only)

WARRANTY DEED

BY THIS DEED made this 7th day of August, 2020, between **Patricia Kershner, a married person**, whose post office address is 6638 Conway Lakes Dr. Belle Isle, Florida 32812 (referred to as "Grantor"), and **Regal Investment Holdings, LLC, a Florida limited liability company**, whose post office address is 365 W. Taft Vineland Road, Suite 100, Orlando, Florida 32824, (referred to as "Grantee").

WITNESSETH that the Grantor, for no consideration, does grant, remise, release, convey and confirm unto the Grantee and Grantee's heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Orange, State of Florida, to wit:

LOT 22, BLOCK "R" OF NELA ISLE, MAINLAND SECTION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 55, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

Property Address: 1729 Idaho Ave, Belle Isle FL 32809

Parcel ID No.: 25-23-29-5884-18-220

Title to the property herein has not been examined or approved by Flick Law Group, P.L.

SUBJECT TO all easements, restrictions, declarations and all other matters of record, if any, which are not reimposed hereby, and taxes for the year of conveyance and subsequent years.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereto belonging or in anywise appertaining, in fee simple forever.

AND the Grantor hereby represents and warrants that said land is neither the homestead or residence of the Grantor, nor is said land adjacent to the homestead or residence of the Grantor.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it 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.

IN WITNESS WHEREOF the Grantor has hereunto set his hand and seal on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Marva G. Flick
Signature of Witness 1

Patricia Kershner
Patricia Kershner

Marva G. Flick
Printed Name of Witness 1

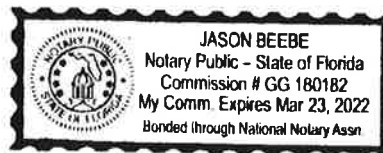
[Signature]
Signature of Witness 2

Jason Beebe
Printed Name of Witness 2

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 7 day of August, 2020, by means of physical presence or online notarization, by Patricia Kershner, A who is personally known to me or who produced the following as identification _____.

[Signature]
(Signature, Notary Public, State of Florida)



**Electronic Articles of Organization
For
Florida Limited Liability Company**

L20000117903
FILED 8:00 AM
May 01, 2020
Sec. Of State
thampton

Article I

The name of the Limited Liability Company is:

REGAL INVESTMENT HOLDINGS, LLC

Article II

The street address of the principal office of the Limited Liability Company is:

365 TAFT VINELAND ROAD
SUITE 100
ORLANDO, FL. 32824

The mailing address of the Limited Liability Company is:

365 TAFT VINELAND ROAD
SUITE 100
ORLANDO, FL. 32824

Article III

The name and Florida street address of the registered agent is:

LIFEBOAT REGISTERED AGENTS, LLC
3700 S. CONWAY ROAD
SUITE 100
ORLANDO, FL. 32812

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: JAMES M. FLICK

Article IV

The name and address of person(s) authorized to manage LLC:

Title: MGR
ROBERT L KERSHNER
365 TAFT VINELAND ROAD, SUITE 100
ORLANDO, FL. 32824

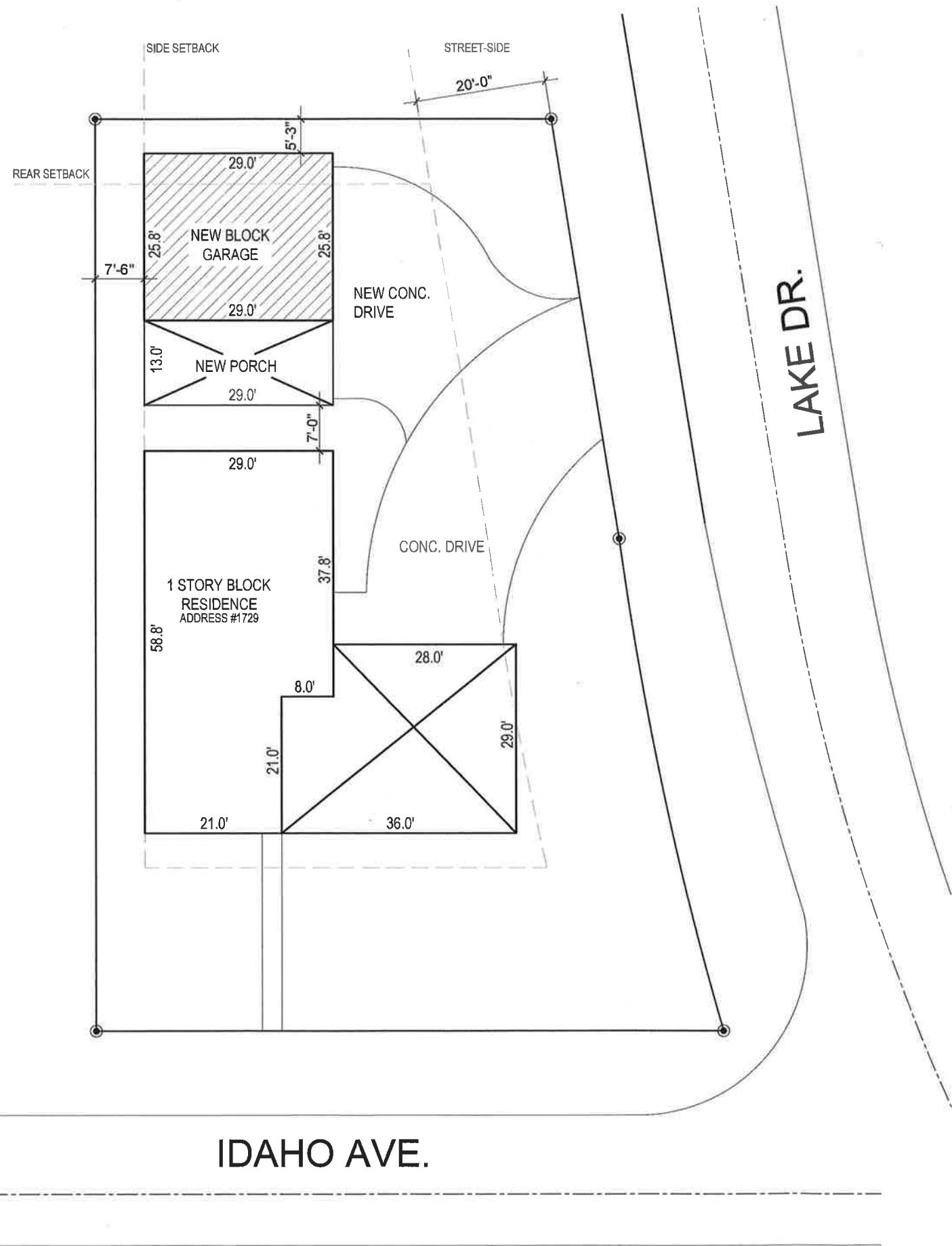
Title: MGR
PATRICIA B KERSHNER
365 TAFT VINELAND ROAD, SUITE 100
ORLANDO, FL. 32824

L20000117903
FILED 8:00 AM
May 01, 2020
Sec. Of State
thampton

Signature of member or an authorized representative

Electronic Signature: JAMES M. FLICK

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.



IDAHO AVE.

LAKE DR.

I.S.R. ANALYSIS

SITE AREA 11,365 SF

EXISTING SITE PLAN

MAIN RESIDENCE 1,543 SF
 PORCH 371 SF
 CARPORT 441 SF
 STORAGE 168 SF
 DRIVE / PATHS 1,334 SF
 TOTAL IMP. 3,857 SF
 I.S.R. 0.339

PROPOSED SITE PLAN

TOTAL EXISTING IMP. 3,857 SF
 DRIVE ADDED 811 SF
 PROPOSED GARAGE 744 SF
 PROPOSED PORCH 377 SF
 TOTAL PROPOSED IMP. 5,789 SF
 PROPOSED I.S.R. 0.509

PROJECT NAME:
 KERSHNER DETACHED
 GARAGE & PORCH
 1729 IDAHO AVE,
 ORLANDO, FL 32809
 MUNICIPALITY:
 BELLE ISLE

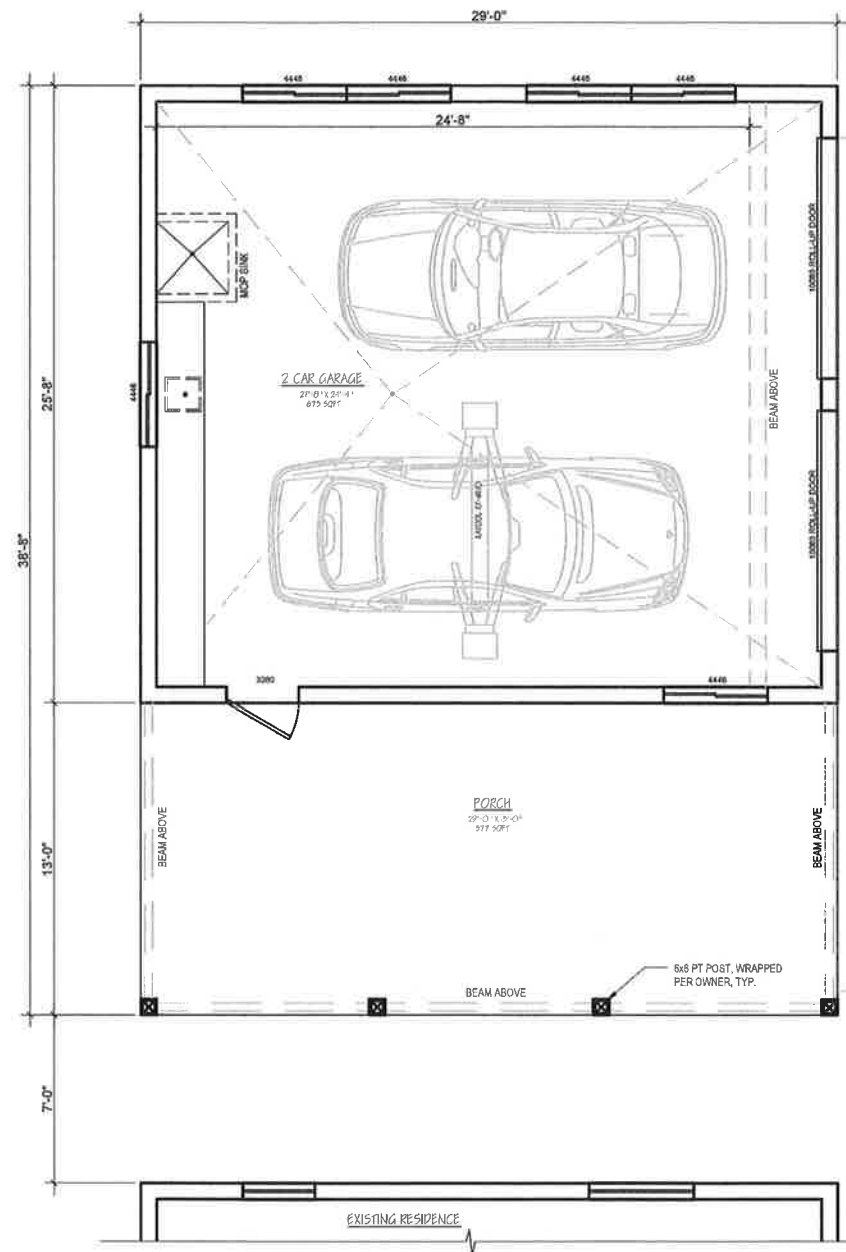
SCOPE OF WORK:
 1. DESIGN OF NEW DETACHED GARAGE & PORCH

SHEET INDEX:
 ARCHITECTURAL
 CS-1 SITE PLAN / SHEET INDEX
 A-1 PROPOSED FLOOR PLAN & EXTERIOR ELEVATIONS

GENERAL NOTES:
 1. ALL DETAILS AND SECTIONS SHOWN ON THE DRAWINGS ARE INTENDED TO BE TYPICAL, AND SHALL BE CONSIDERED TO APPLY TO ANY SIMILAR SITUATION ELSEWHERE ON THE PROJECT, EXCEPT WHERE A DIFFERENT DETAIL IS SHOWN.
 2. THE BUILDING CONTRACTOR SHALL CHECK ARCHITECTURAL, MECHANICAL, ELECTRICAL DRAWING FOR OPENINGS, SLEAVES, ANCHORS, HANGER, SLAB DEPRESSIONS, DIMENSIONS, PITCH AND OTHER RELATED ITEMS AND SHALL ASSUME RESPONSIBILITY FOR THEIR PROPER LOCATION, PLACEMENT AND CONTINUITY.

APPLICABLE CODES:
 -FLORIDA BUILDING CODE-RESIDENTIAL F.B.C. 7TH EDITION 2020
 -FLORIDA PLUMBING CODE F.P.C. 7TH EDITION 2020
 -FLORIDA MECHANICAL CODE F.M.C. 7TH EDITION 2020
 -NATIONAL ELECTRICAL CODE NF.P.A. 70-2020
 -FLORIDA FUEL GAS CODE F.F.G.C. 7TH EDITION 2020
 -FLORIDA FIRE PREVENTION CODE F.F.P.C. 7TH EDITION 2020
 -NATIONAL FIRE ALARM CODE NF.P.A. 72-2019

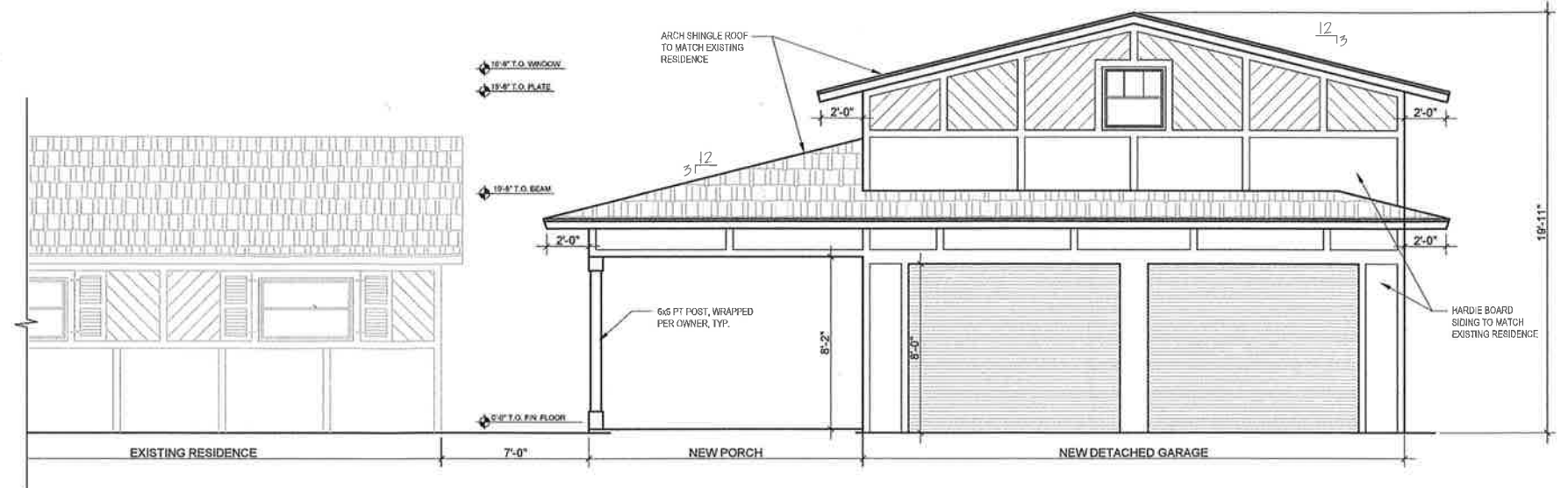




SPACE ANALYSIS

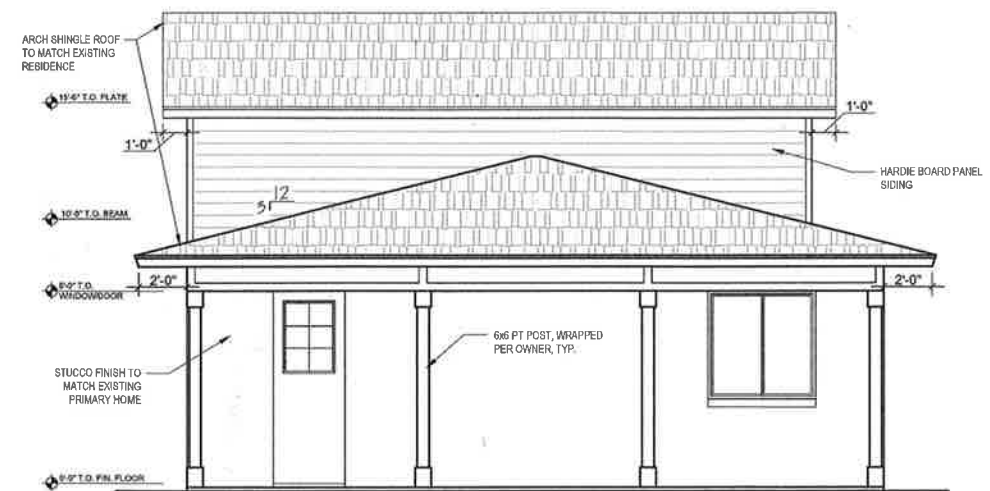
EXISTING CONDITIONED	1,543 SF
EXISTING CARPORT	441 SF
EXISTING PORCH	371 SF
EXISTING STORAGE	168 SF
TOTAL EXISTING UNDER ROOF	2,523 SF
GARAGE ADDED-	744 SF
PORCH ADDED-	377 SF
TOTAL UNDER ROOF ADDED	1,121 SF
TOTAL PROPOSED UNDER ROOF	3,644 SF

PROPOSED FLOOR PLAN



PROPOSED FRONT EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"
CONTRACTOR VERIFY ALL DIMENSIONS AT JOB SITE.



PROPOSED SIDE EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"
CONTRACTOR VERIFY ALL DIMENSIONS AT JOB SITE.