

ITEM 5

MEMORANDUM

TO: Planning and Zoning Board

DATE: August 25, 2020

Public Hearing Case #2020-05-004 - Pursuant to Belle Isle Code Sec. 50-102 (A) (6), (7), and (d) (1) and Sec. 42-64, the Board shall consider and take action on a requested variance to allow a swimming pool, surrounding patio/deck, and screen enclosure to be located within the required setbacks from the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicant Jordan Mears located at 3526 Country Lakes Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-050

**Background:**

4. On May 7, 2020, Jordan Mears submitted a request, application and required paperwork.
5. A Notice of Public Hearing legal advertisement was placed in the Saturday, August 15, 2020, Orlando Sentinel.
6. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, August 13, 2020.

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 set forth 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, the criteria of Section 50-102 (A) (6), (7), and (d) (1) and Section 42-64 of the Belle Isle Land Development Code having been met **TO APPROVE** the requested variance to allow a swimming pool, surrounding patio/deck, and screen enclosure to be located within the required setbacks from the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicant Jordan Mears located at 3526 Country Lakes Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-050

**SAMPLE MOTION TO DENY:**

"I move, 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 Section 50-102 (A) (6), (7), and (d) (1) and Section 42-64, 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** the requested variance to allow a swimming pool, surrounding patio/deck, and screen enclosure to be located within the required setbacks from the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicant Jordan Mears located at 3526 Country Lakes Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-050

**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: 5/7/2020 P&Z CASE #: 2020-05-004

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: August 25 2020

Applicant <u>Jordan Mears</u>	Owner <u>Jordan Mears</u>
ADDRESS <u>3526 Country Lakes Drive Bell Isle FL 32812</u>	
PHONE: <u>407 468 5377</u>	
PARCEL TAX ID #: <u>20-23-30-4980-00-050</u>	

LAND USE CLASSIFICATION: Residential ZONING DISTRICT: RIAA

DETAILED VARIANCE REQUEST: My neighbor's pool is at the same dimensions. I would like to have the same rights as my neighbor next door.

SECTION OF CODE VARIANCE REQUESTED ON: Set back normal high water.

- 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.

- 1. What are the special conditions and circumstances unique to your property? What would be the unnecessary hardship?**

"We live on a canal that would require us to build 35' from the highwater mark. With these conditions of the property the pool will exceed the required distance from the highwater mark. We would like to be granted the same privileges as our next door neighbors"

- 2. How are the special conditions noted above created?**

"We are in the planning stages and we would like to be granted preapproval for the pool as it is in the current design phase."

- 3. Can you accomplish your objective in another way? List alternatives you have considered and evidence as to why they are not feasible.**

"Building a family style pool would not be feasible constructing it from the current required distance of the highwater mark."

- 4. What effects will approval of the variance have on adjacent properties or the surrounding neighborhood?**

"Zero negative effects; we have prior approval from neighbors on both sides of our property line as well as the neighbor across the canal"



## Addendum to Contract and Change Order Number

On this day, 3/23/20 the following changes are being made with respect to the contract dated 3/5/20, by and between Premier Pools of Central Florida, Inc. (Contractor) and JORDAN MEARS, (Owner/Purchaser).

All parties agree that this addendum shall become a binding part of the original contract and the cost described below shall be in addition to the original contract amount of \$54,600 (this amount includes any previous change orders) this brings the new amended total contract amount to \$57,500. Change Order cost shall be due and payable upon execution of this document.

Increase Pool Size, Safety Fence Size, Deck Drain, Granite, Bar Stool, \$2900  
Tile, Interior for Variance/NO CHARGE for Variance Work

**\*\*This Charge Will Be Added to Dig Payment and  
is Contingent Upon Variance Approval\*\***

Total Sum of Changes \$2900

**This Addendum & Change Order pricing amount will be honored for 48 business hours from date stated above. Addendum & Change Order must be signed and returned within that time frame. We are unable to honor verbal Change Order requests. In the event the Addendum & Change Order is wanted after the expiration of the 48 business hours, additional fees may be required due to the delay.**

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_  
Owner Name: JORDAN MEARS

\_\_\_\_\_  
Premier Pools of Central Florida, Inc.

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_  
Name: \_\_\_\_\_

Tracie:Change Order Form 5/7/2020

## Premier Pools of Central Florida

Jordan Mears

3526 Country Lakes Drive

Belle Isle, 32812

### ISR Calculation

Lot Area = 13,031sqft

#### Existing Impervious

House/Garage Footprint 2768sqft

Finished Screened Porch 435sqft

Pads 12sqft

Driveway & Walk 701sqft

Stoop 18sqft

Total Existing Impervious 3934sqft

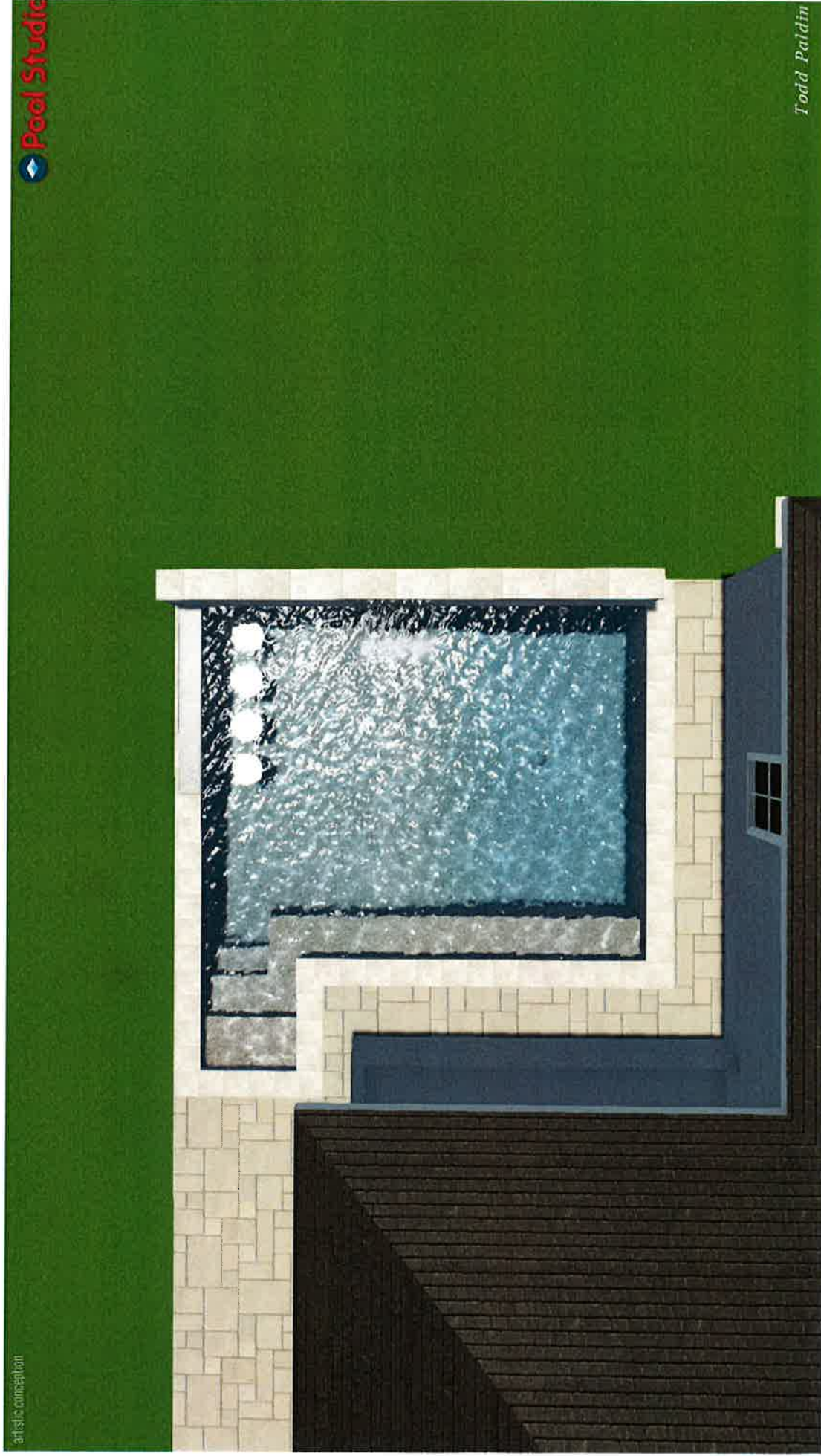
#### Proposed Impervious

Pool Coping & Deck Only 335sqft

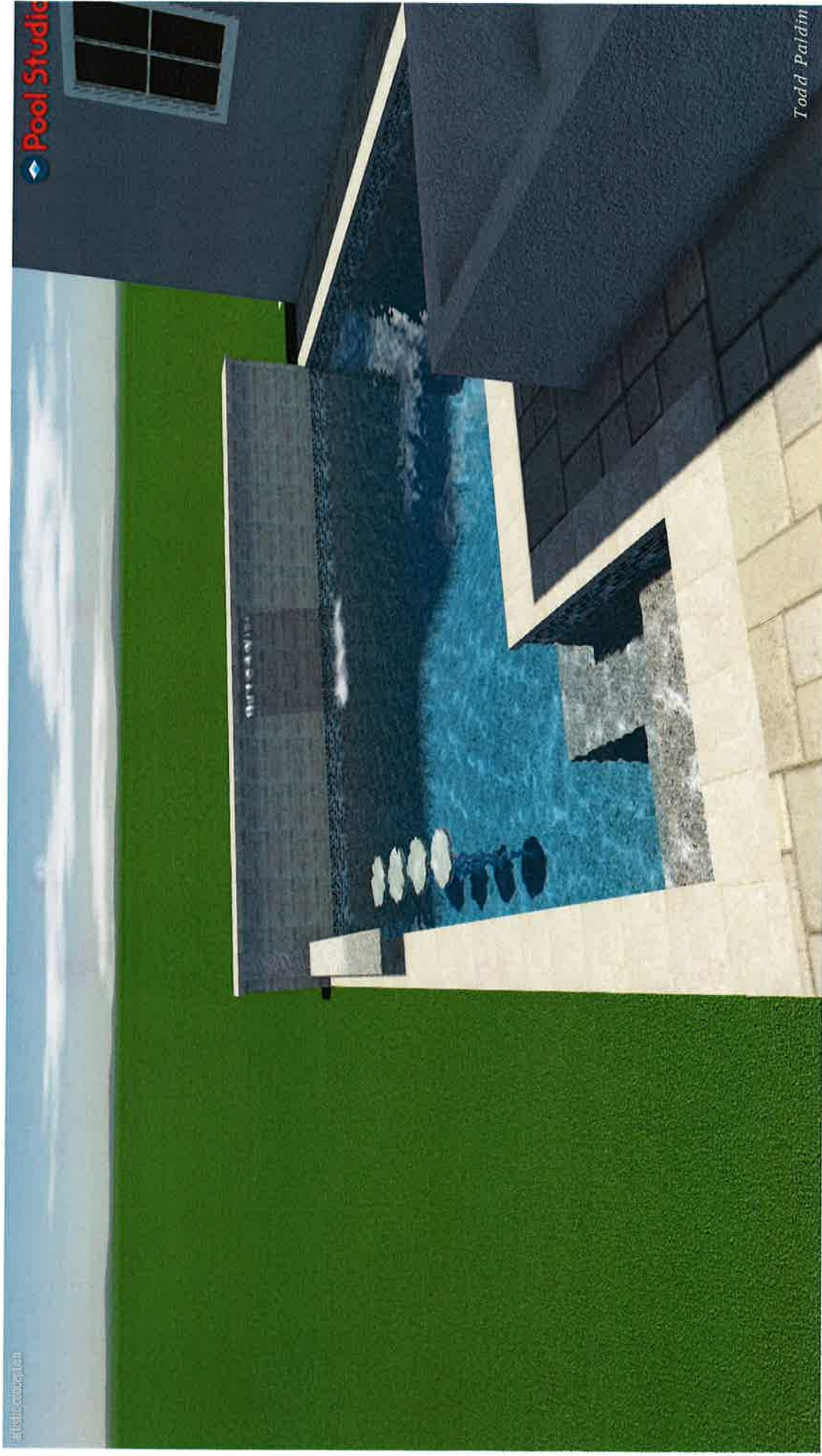
Equipment Pad 6sqft

Total Proposed NEW Impervious 341sqft

TOTAL PROPOSED NEW IMPERVIOUS 4,275sqft/32.8%

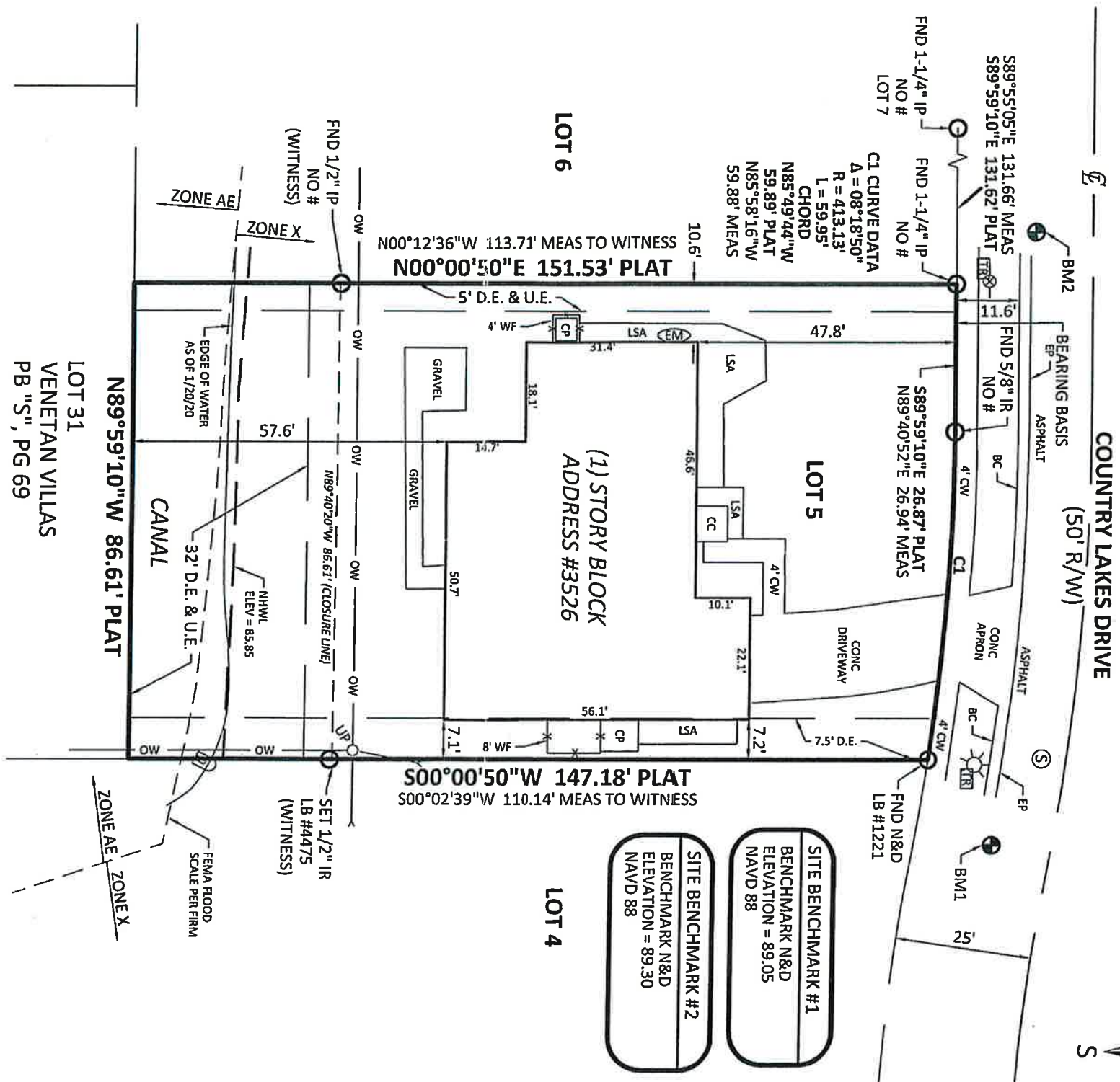
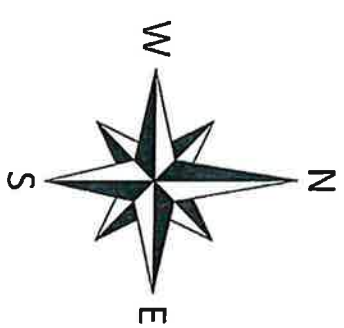






MAP OF SURVEY  
DESCRIPTION

LOT 5, THE LANDINGS AT LAKE CONWAY, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE(S) 125 AND 126, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



JOB # 52277	REVISIONS	BOUNDARY SURVEY CERTIFIED TO: JORDAN MEARS
CF# OC9-125 LOT 5		
ORIGINAL DATE: 1/20/20		
SCALE: 1" = 30'		
DRAWN BY: JPH		



ACCURIGHT SURVEYS OF ORLANDO INC., LB 4475  
2012 E. Robinson Street Orlando, Florida 32803  
www.AccurightSurveys.net | ACCU@AccurightSurveys.net  
PHONE: (407) 894-6314

*Ronald K. Smith*  
1/29/20  
RONALD K. SMITH, PSM 5797  
"THE DATE OF SIGNATURE DOES NOT REVISE OR SUPERSEDE THE ORIGINAL SURVEY DATE OR REVISION DATE."  
"NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER," OR THE DIGITAL SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RONALD K. SMITH, PSM 5797.

NOTES:  
1. BEARING STRUCTURE IS BASED ON THE SOUTH R/W OF COUNTRY LAKES DRIVE BEING S89°59'10"E.

2. THIS BUILDING/LOT LIES IN ZONE (S) "X" & "AE", BASED ON FLOOD INSURANCE RATE MAP NO. 12095CQ430F, COMMUNITY NO. 120181, CITY OF BELLE ISLE, ORANGE COUNTY, FLORIDA, EFFECTIVE 9/25/2009.

3. THIS SURVEY REFLECTS ONLY MATTERS OF RECORD AS PROVIDED BY CLIENT.

4. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED.

5. BUILDING TIES SHOWN ON THIS SURVEY SHOULD NOT BE USED TO RECONSTRUCT PROPERTY LINES.

6. THIS SURVEY IS VALID ONLY FOR THE PARTIES TO WHOM IT IS CERTIFIED.

7. THIS SURVEY EXCEEDS THE ACCURACY REQUIREMENTS SET FORTH IN FLORIDA STATUTES.

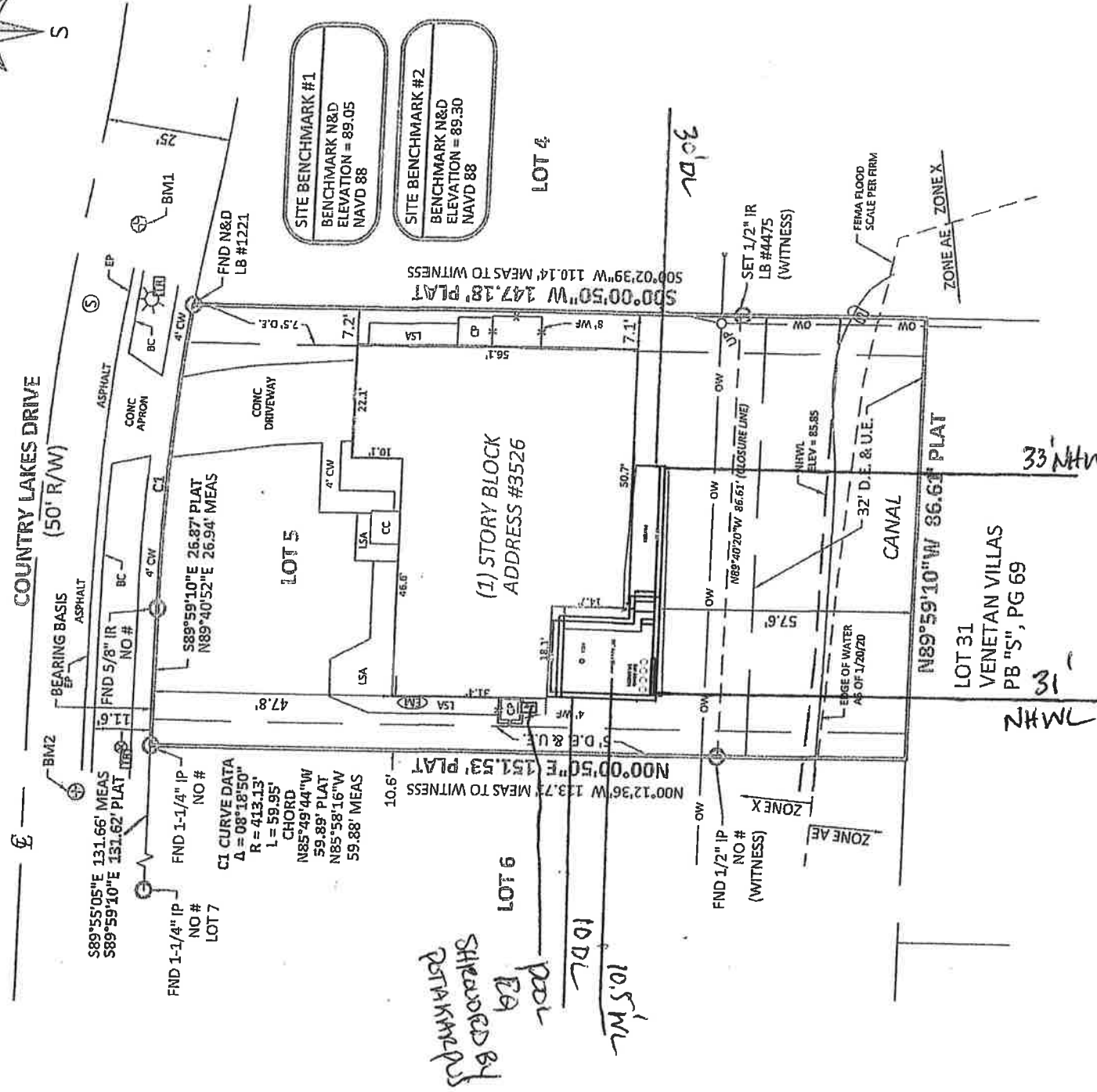
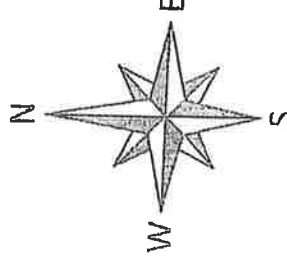
8. ELEVATIONS BASED ON ORANGE COUNTY BENCHMARK #1500029 HAVING AN ELEVATION OF 89.132 FEET, (NAVD 88).

LEGEND	LEGEND
TV - CABLE TV RISER	LB - LICENSED BUSINESS
CO - CENTERLINE	LS - LIGHT POLE
CO - CLEAN OUT	LS - LICENSED SURVEYOR
CC - CONCRETE BLOCK WALL	LSA - LANDSCAPE AREA
CC - COVERED CONCRETE	MEAS - MEASURED
CC - CHAIN LINK FENCE	MF - METAL FENCE
CM - CONCRETE MONUMENT	NAVD - NORTH AMERICAN
CONC - CONCRETE	NGVD - NATIONAL GEODETIC
CP - CONCRETE PAD	VERT - VERTICAL DATUM
CW - CONCRETE WALKWAY	NHWD - NORMAL HIGH WATER LINE
DA - DESCRIBED & MEASURED	N&D - NAIL & DISK
DE - DRAINAGE EASEMENT	OW - OVERHEAD WIRE
DESC - DESCRIPTION	PRM - OFFICIAL RECORDS BOOK
DOT - DOT MANHOLE	PLAT - PLAT & MEASURED
DOC - DOCUMENT #	PC - PLAT BOOK
DW - DRIVEWAY	PC - POINT OF CURVATURE
EP - EDGE OF PAVEMENT	POB - POINT OF BEGINNING
EL - ELEVATION	POC - POINT OF COMMENCEMENT
ESMT - EASEMENT	R - RADII
FE - FINISHED FLOOR ELEVATION	R/W - RIGHT OF WAY
FH - FIRE HYDRANT	TRF - TRANSFORMER
FIRM - FLOOD INSURANCE RATE MAP	TYP - TYPICAL
FOUND - FOUND	UE - UTILITY EASEMENT
GU - GUY WIRE ANCHOR	UP - UTILITY POLE
IRON - IRON PIPE	WF - WATER VALVE
IRON - IRON ROD	WF - WATER VALVE
IR - IRON ROD	WF - WATER VALVE
WS - WOOD SHED	WS - WOOD SHED



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JOB # 52277	CF# 008-125 LOT 5	ORIGINAL DATE: 1/20/20	SCALE: 1" = 30'	DRAWN BY: JPH
BOUNDARY SURVEY CERTIFIED TO: JORDAN MEARS				
REVISIONS				

**ACCURIGHT**

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2012 E. Robinson Street Orlando, Florida 32803  
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PHONE: (407) 894-6314

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  8. ELEVATIONS BASED ON ORANGE COUNTY BENCHMARK #1500029 HAVING AN ELEVATION OF 89.132 FEET, (NAVD 88).

LEGEND	LEGEND
<ul style="list-style-type: none"><li>- CABLE TV RISER</li><li>- CENTERLINE</li><li>- CLEAN OUT</li><li>- CONCRETE BLOCK WALL</li><li>- COVERED CONCRETE</li><li>- CHAIN LINK FENCE</li><li>- CONCRETE MONUMENT</li><li>- CONCRETE</li><li>- CONCRETE MONUMENT</li><li>- CONCRETE PAD</li><li>- CONCRETE WALLWAY</li><li>- CENTRAL ANGLE</li><li>- DESCRIBED &amp; MEASURED</li><li>- DRAINAGE EASEMENT</li><li>- DESCRIPTION</li><li>- DOT MANHOLE</li><li>- DRIVEWAY</li><li>- EDGE OF PAVEMENT</li><li>- ELECTRIC BOX</li><li>- ELECTRIC METER</li><li>- ELEVATION</li><li>- FINE HOSE</li><li>- FIRE HYDRANT</li><li>- FLOOD INSURANCE RATE MAP</li><li>- FOUND</li></ul>	<ul style="list-style-type: none"><li>- LICENSED BUSINESS</li><li>- LIGHT POLE</li><li>- LICENSED SURVEYOR</li><li>- LANDSCAPE AREA</li><li>- MEASURED</li><li>- METAL FENCE</li><li>- NATIONAL AMERICAN</li><li>- NAVD - NATIONAL GEODETIC</li><li>- VERTICAL DATUM</li><li>- NORMAL HIGH WATER LHM</li><li>- MAIL &amp; DISK</li><li>- OVERHEAD WIRE</li><li>- OFFICIAL RECORDS BOOK</li><li>- PLAT &amp; MEASURED</li><li>- POINT OF BEGINNING</li><li>- POINT OF COMMENCEMENT</li><li>- RADIUS</li><li>- RIGHT OF WAY</li><li>- TELEPHONE RISER</li><li>- TRANSFORMER</li><li>- TYPICAL</li><li>- UTILITY EASEMENT</li><li>- UTILITY</li></ul>

1/29/20

RONALD K. SMITH, PSM 5797

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LIC# CPC066822



The Difference is in the Details

Interior Color: Wet Edge TAHOE BLUE  
Tile Selection: GW8M2348B9  
Tile Grout Color: Natural Gray  
Colored grout will fade & discolor & is not covered under warranty

Step Tile: Same

Step Tile Pattern: 2" Strips

Floor Head Color: SDX-Lt Gray

Deck Type: Flagstone Pavers

Deck Color: White Pewter

Deck Pattern: Random Heritage

Coping Type: 6"x12" Tumbled Travertine

Coping Color: Nordic Silver

Coping Grout Color: But Joint

Colorband Color: ----

Screen Type: ----

Screen Height: ----

Screen Color: ----

Fence Type: ----

Fence Color: ----

FIRE Bowl Type: ----

FIRE Bowl Color: ----

Stone / Cultured Stone Color: Silver Split Faced Travertine 2"x4"

Granite Spillway Color: Bar Top-Blue Pearl

Deco Tiles: ----

Mosaics: ----

FIRE PIT COLOR: ----

X I have reviewed and I give my approval to proceed with the construction of this project.

Customer \_\_\_\_\_  
Date \_\_\_\_\_

NAME: TODD PALDIN

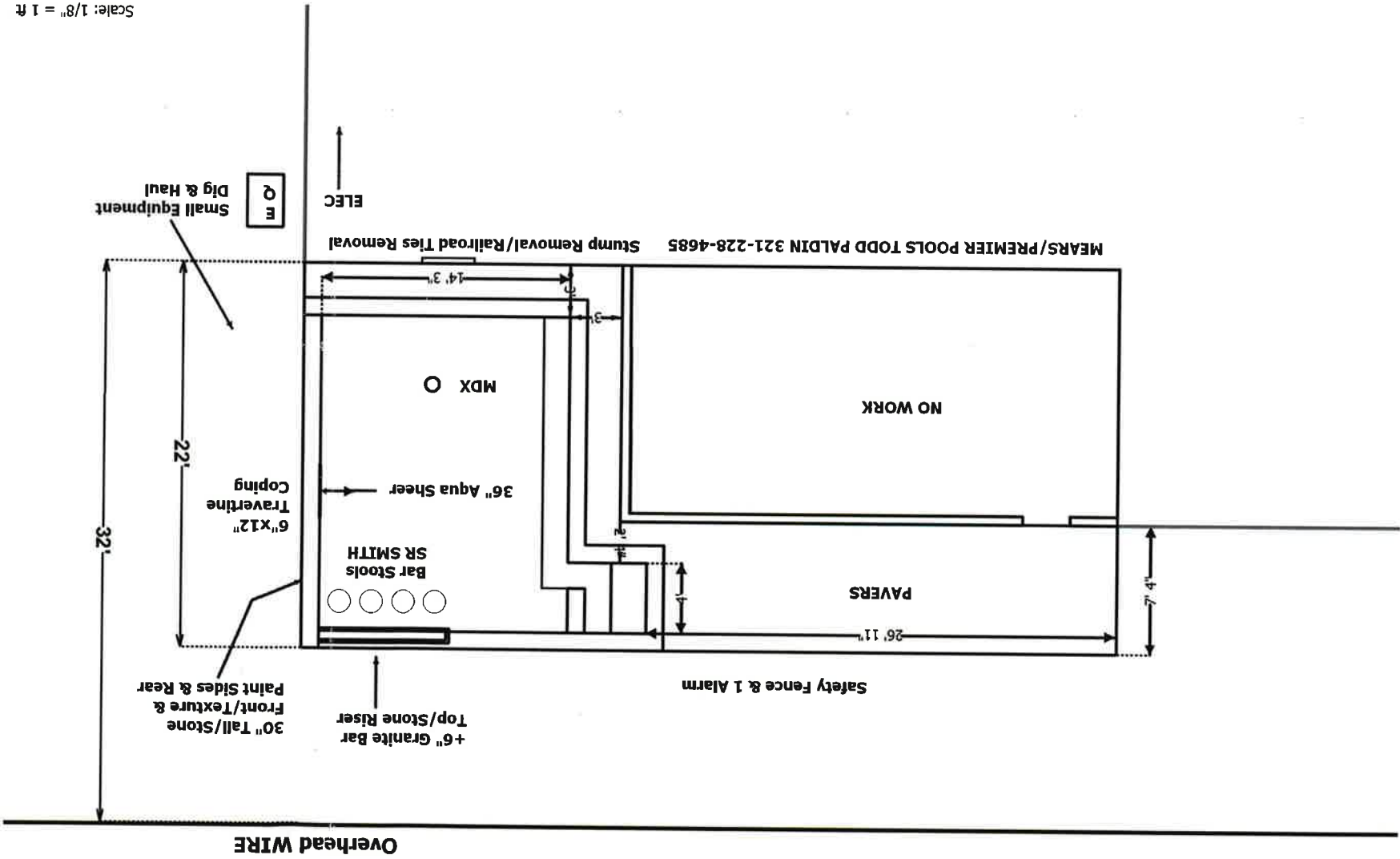


NAME: Jordan Mears

ADDRESS: 3526 Country Lakes Drive

CITY: Belle Isle

ZIP: 32812



Scale: 1/8" = 1 ft