

MEMORANDUM

TO: Planning and Zoning Board

DATE: July 25, 2023

RE: Variance Application – 2802 Alsace Court

PUBLIC HEARING CASE # 2023-07-015 - PURSUANT TO BELLE ISLE CODE SEC. 50-73 (A), SEC. 50-102 (A) (4), (5), AND (8) AND SEC. 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A BUILDING ENCROACHMENT WITHIN 50 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT ALAN 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 July 7, 2023, the applicant, Alan Leow, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, July 15, 2023, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on July 11, 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. CODE SEC. 50-73 (A), SEC. 50-102 (A) (4), (5), AND (8) AND SEC. 42-64, TO APPROVE A BUILDING ENCROACHMENT WITHIN 50 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT ALAN 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 SEC. CODE SEC. 50-73 (A), SEC. 50-102 (A) (4), (5), AND (8) AND SEC. 42-64, 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 BUILDING ENCROACHMENT WITHIN 50 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT ALAN LEOW LOCATED AT 2802 ALSACE COURT, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4385-04-241.

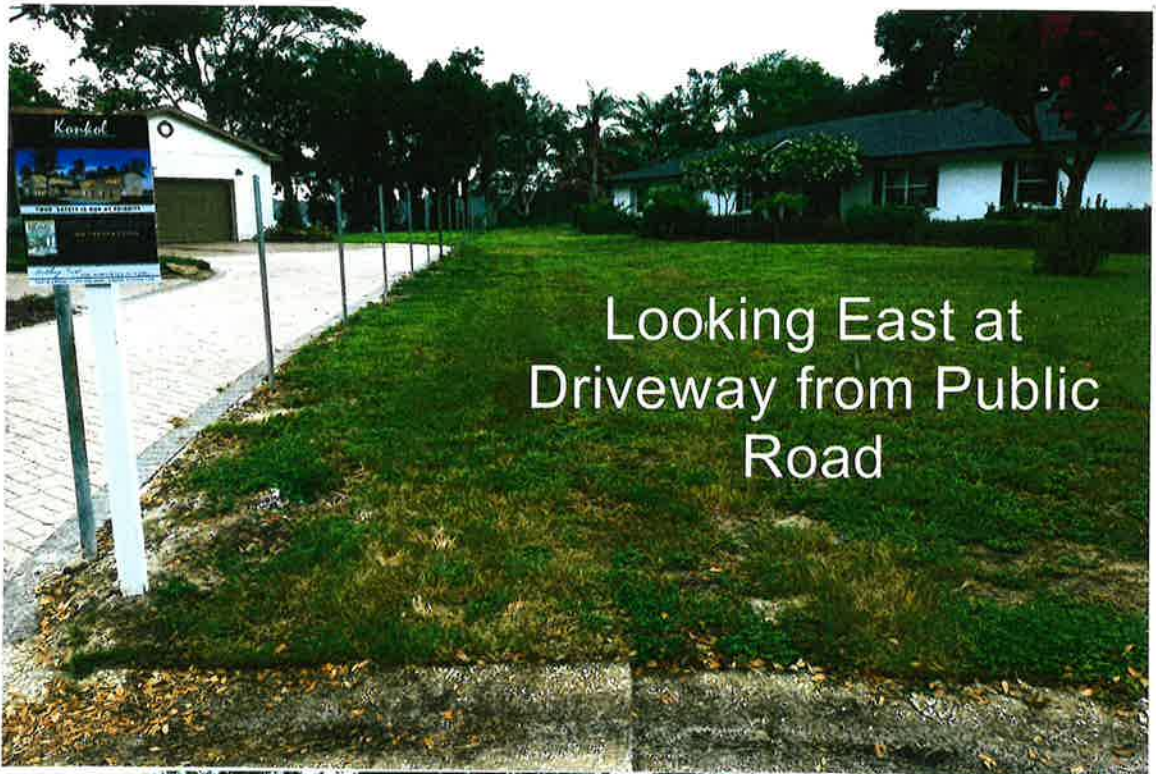
Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

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.



Looking East at
Driveway from Public
Road



Looking North at Location of
Garage



Looking East at Location of
Garage



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 | 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 50-73 (50' Lake Setback) | |
| DETAILED VARIANCE REQUEST Re-application for variance previously approved in 2021 to reduce required lake setback from 50' to 30' for building structures within 150' of the Eastern property line on the north side of the property. | |
| <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 <i>Alan Leow</i> | OWNER'S SIGNATURE <i>Alan Leow</i> |
| <input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> SPECIAL EXCEPTION <input type="checkbox"/> OTHER | P&Z CASE NUMBER 2023-07-015 |
| | DATE OF HEARING 7/25/2023 |

CK 1421

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



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

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 | <u>7/7/23</u> Date Paid | <u>1421</u> Check/Cash | <u>LSimons</u> Rec'd By |
|------------------------------------|----------------------------|---------------------------|----------------------------|

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. It also means that there is very little driveway space in front of the garage for emergency and delivery vehicles to turn around. In particular, fire trucks can be very long and hard to turn around.

The present 50' setback means that there is only 30' for emergency and delivery vehicles to turn around. **30' is not sufficient and presents a safety hazard.**

In 2021, we asked for and were approved for the setback to be reduced to 30' thereby allowing the turn-around width to be increased from 30' to 50'. Even 50' is tight but we believe this is the minimum needed for the safe turn-around of emergency vehicles.

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

I ask for this variance so that I can build a home whose front driveway is wide enough to turn emergency vehicles around. The buildable area of this property is so narrow that it is not possible to have a reasonable turn-around space for emergency vehicles without the variance.

Purpose and Intent

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

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



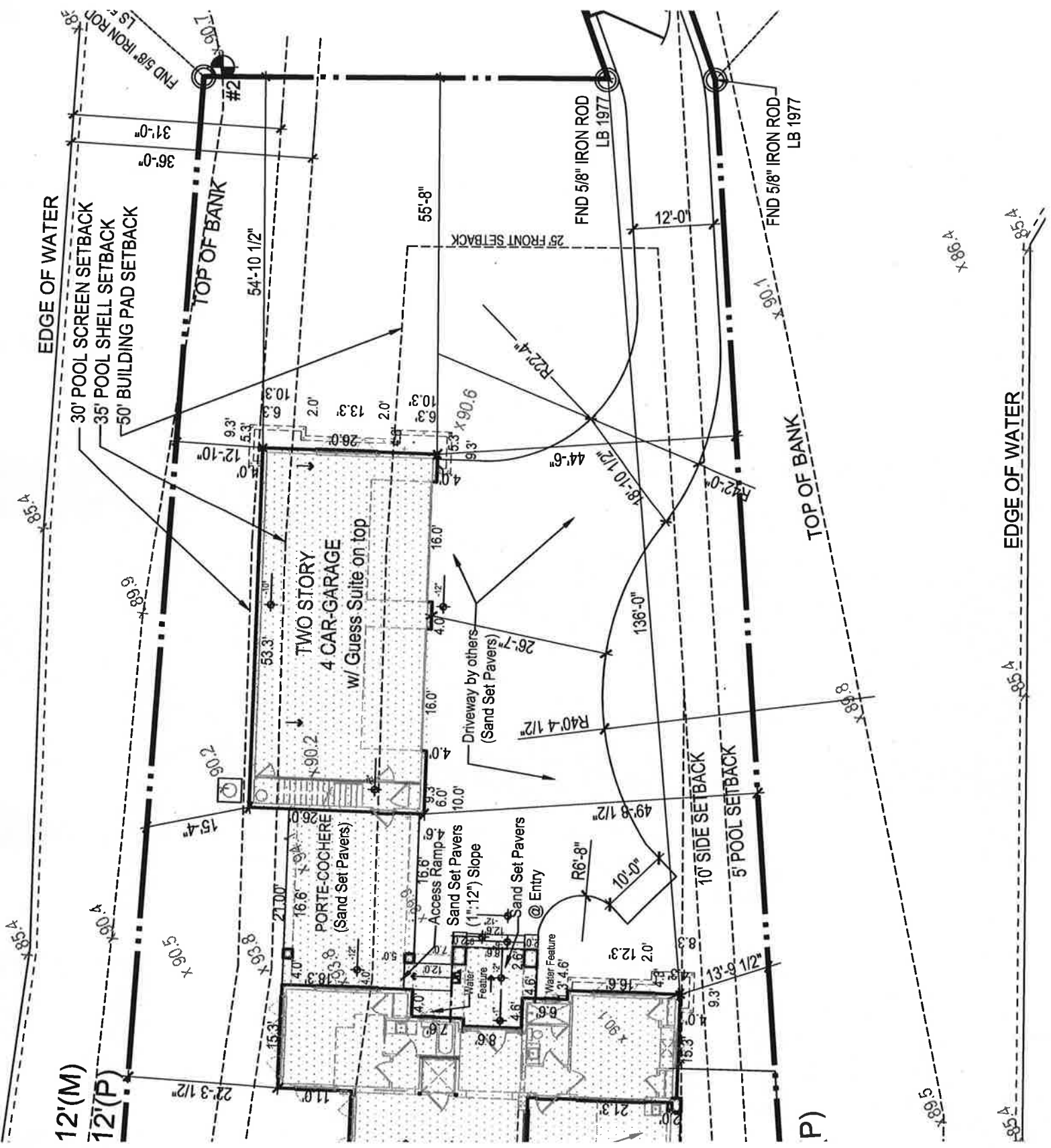
Value and Taxes

Historical Value and Tax Benefits

| Fax Year Values | Land | Building(s) | Feature(s) | Market Value | Assessed Value |
|--|-----------|-------------|------------|--------------|---|
| 2022 <input checked="" type="checkbox"/> MKT | \$510,000 | + | \$0 | + | \$0 = \$510,000 (0%) \$510,000 (0%) |
| 2021 <input checked="" type="checkbox"/> MKT | \$510,000 | + | \$0 | + | \$0 = \$510,000 (2.0%) \$510,000 (30%) |
| 2020 <input checked="" type="checkbox"/> MKT | \$500,000 | + | \$0 | + | \$0 = \$500,000 (0%) \$392,645 (10%) |
| 2019 <input checked="" type="checkbox"/> MKT | \$500,000 | + | \$0 | + | \$0 = \$500,000 \$356,950 |

| Fax Year Benefits | Tax Savings |
|--|----------------|
| 2022 <input checked="" type="checkbox"/> | \$0 |
| 2021 <input checked="" type="checkbox"/> | \$0 |
| 2020 <input checked="" type="checkbox"/> | \$1,058 |
| 2019 <input checked="" type="checkbox"/> | \$1,411 |

2022 Taxable Value and Certified Taxes



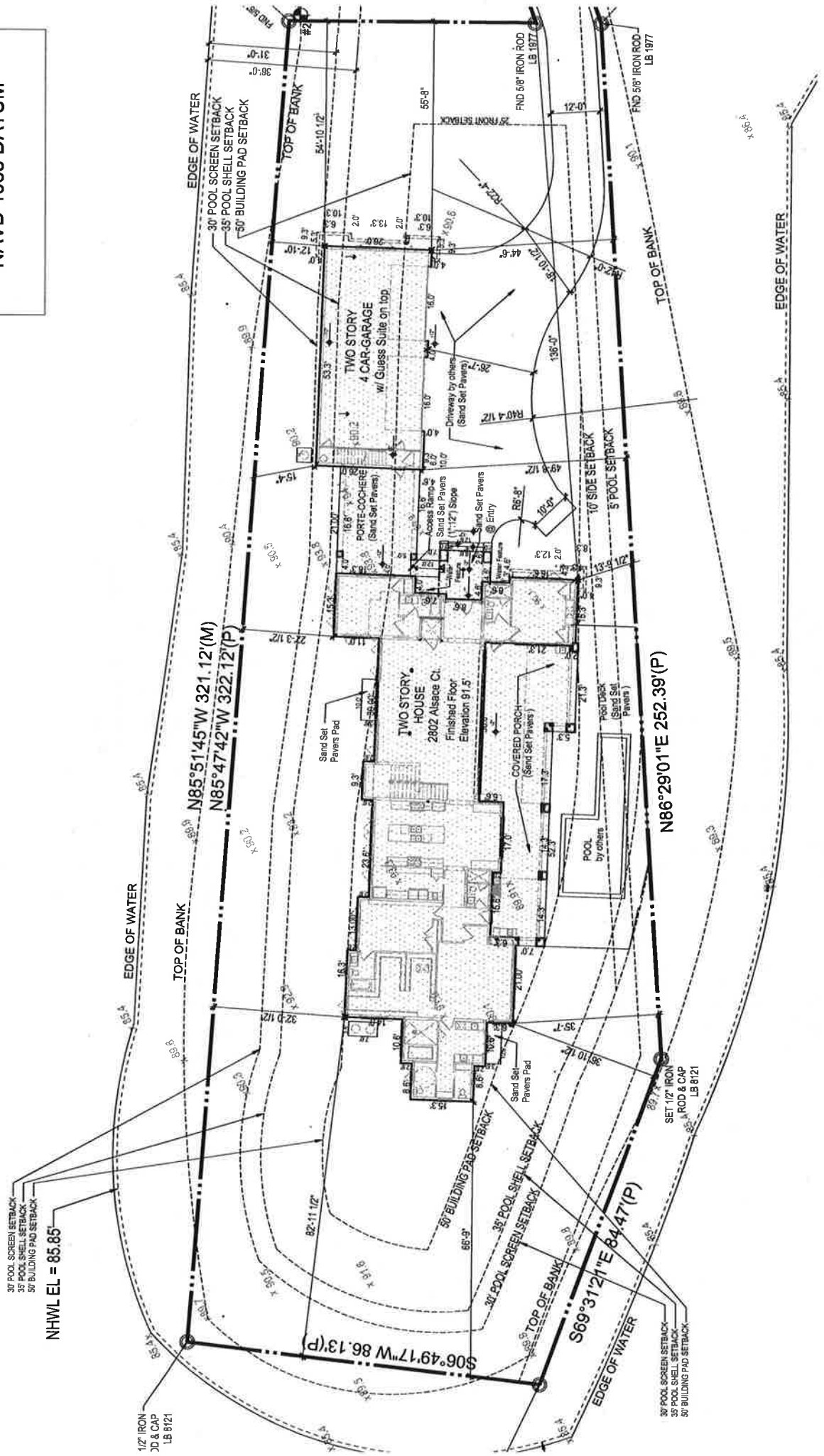
12'(M)
12'(P)

P)

EDGE OF WATER

85.4

NHWL ELEVATION
 PER BELLE ISLE
 OF 85.85' IS IN
 NAVD 1988 DATUM



30' POOL SCREEN SETBACK
 35' POOL SHELL SETBACK
 50' BUILDING PAD SETBACK

NHWL EL = 85.85'

1/2" IRON
 RD & CAP
 LB 8121

S06°49'17"W 86.13'(P)

S69°31'21"E 84.47'(P)

30' POOL SCREEN SETBACK
 35' POOL SHELL SETBACK
 50' BUILDING PAD SETBACK

SET 1/2" IRON
 RD & CAP
 LB 8121

N86°29'01"E 252.39'(P)

N85°51'45"W 321.12'(M)
 N85°47'42"W 322.12'(P)

EDGE OF WATER

TOP OF BANK

EDGE OF WATER

TOP OF BANK

TOP OF BANK

EDGE OF WATER

