

MEMORANDUM

TO: Planning and Zoning Board
DATE: February 25, 2025
RE: Variance Application –6504 St Partin Place

[Planning and Zoning Case Number 2025-01-028](#): PURSUANT TO SECTION 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 50-102 (A) (7) TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

Background:

1. On January 27, 2025, the applicant submitted a Variance application and the required paperwork.
2. On February 12, 2025, letters to the abutting property owners were mailed within 300 feet of the subject property, and a Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on February 15, 2025.

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 50-73 (A) AND 42-64, TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE 50-102(A)(7) AND 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] TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.*

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, Florida

Planning and Zoning: Staff Report

February 13, 2025

Variance Request: 6504 St Partin Place

Application Request: Planning and Zoning Case Number 2025-01-028: PURSUANT TO SECTION 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 50-102 (A) (7) TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

Existing Zoning/Use: R-1-AA / Single-Family Home

Background

The applicant owns a unique property comprising of two separate residential parcels (Lots 22A and 22B) adjacent from one another on Saint Partin Place within The Landings of Lake Conway subdivision. Lot 22A is the primary residence located inland, and Lot 22B is situated along a canal channel and features an Orange County lift station.

Orange County Government has been working with the applicant to update the existing lift station to install new infrastructure to accommodate larger equipment and a concrete pad. Due to the extensive repair work at Lot 22B, the County brokered an agreement with the property owners to install a paver walkway extending from the edge of the right-of-way to the property owner's boat dock.

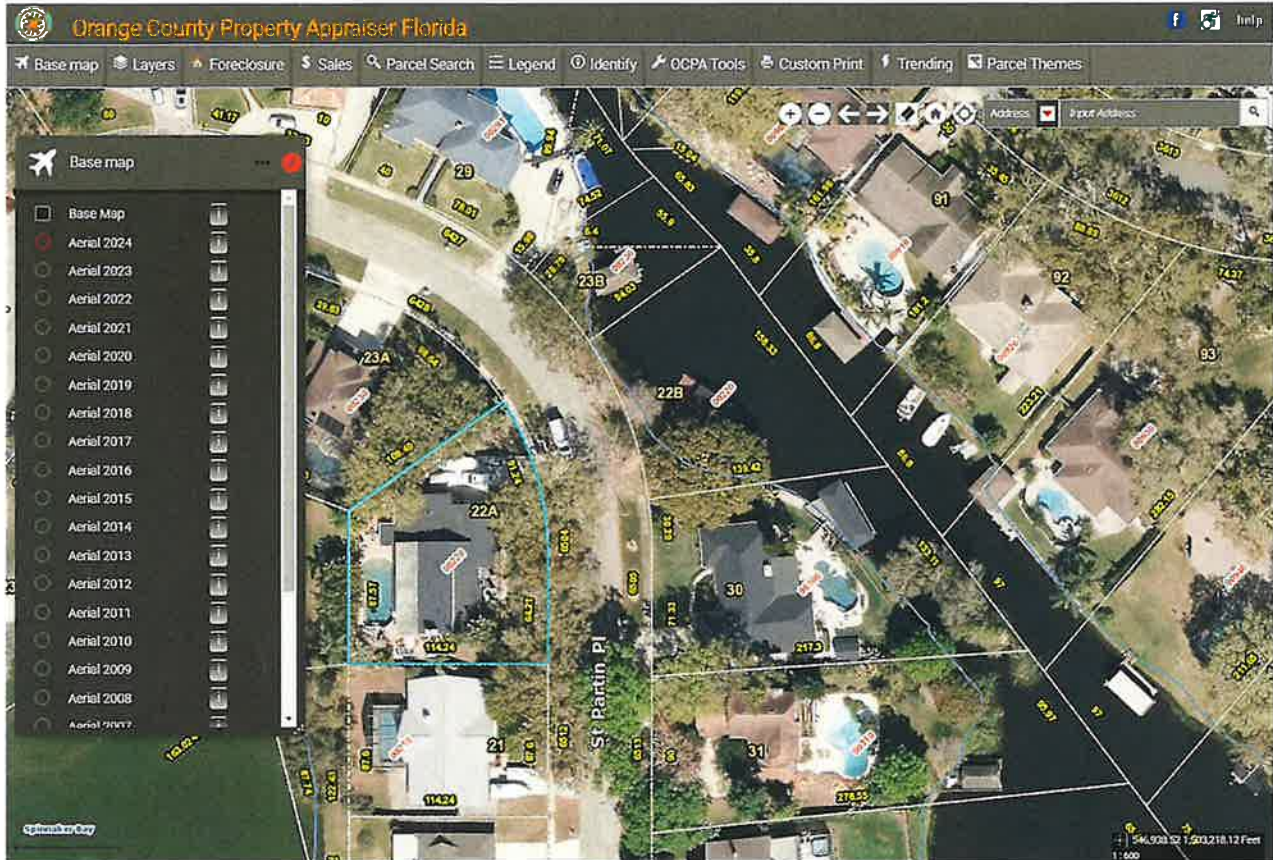
The applicant seeks to construct a paver walkway area along the perimeter of the new improvements to the lift station. Previously, the owner could gain immediate access from the right-of-way to their dock. After the lift station improvements, the County installed a large concrete pad on the private residence on the dedicated easement. A chain-link fence and vegetation now surround the upgraded lift station, which requires the owners to walk around the perimeter of the new enclosure to access their dock's walkway.

The city code does not define or outline zoning requirements for private walkways. However, under section 50-102 (A), the city code defines patio/deck as located at or above the ground level without a roof or walls. Based on the code's definition of a patio/deck, the proposed walkway qualifies as a patio/deck project. As such, pursuant to section 50-102 (A) (7), the zoning requirements for a patio/deck require a minimum setback of 30 feet to Lake Conway's normal high-water elevation line.

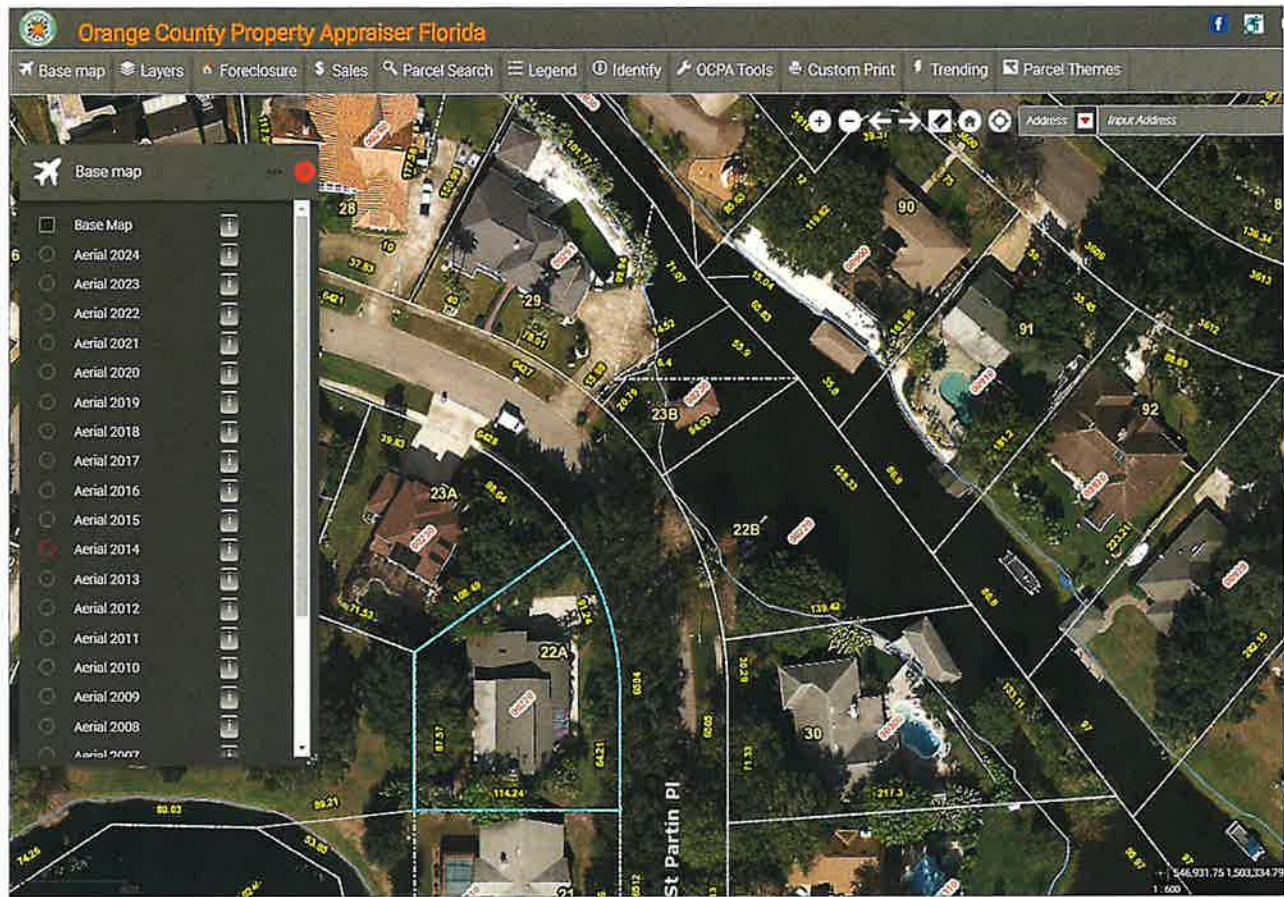
Based on the aerial views from Orange County Property Appraiser, multiple residential properties surrounding the applicant on the canal channel features deck/patio/impervious areas near and at the water line. Many of these properties have maintained a deck/patio/impervious area to or by the waterline for years. See attached images of Lot 22B and the surrounding canal front parcels. City staff

attempted to verify the existence of building and non-building permits for such improvements along or near the waterline. No documentation was discovered to show and support permit approval for the scope of work.

Source: Orange County Property Appraiser, Aerial 2024



Source: Orange County Property Appraiser, Aerial 2014



Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below.

1. Special Conditions and/or Circumstances (Section 42-64 (1) d):

The lot's configuration creates special conditions to allow the requested variance due to the two separate parcels and the easements featured on Lot 22B. The applicant has been working with the Orange County government to navigate the lift station improvements to the private property. During construction, the County removed a tree and vegetation and brought heavy machinery onsite to excavate, position the new equipment, and test the new system.

2. Not Self-Created (Section 42-64 (1) e):

The requested variance to create an impervious walkway area to the water's edge is construed as necessary for the primary residents to gain safe access to and from the right-of-way to their dock.

3. Minimum Possible Variance (Section 42-64 (1) f):

The requested variance reasonably uses the land as the proposed walkway is four feet wide, extending directly from the right-of-way to the dock structure.

4. Purpose and Intent (Section 42-64 (1) g):

The requested variance does not affect the adjacent properties or the surrounding neighborhood. The requested variance could be construed to be in harmony with the general purpose of the Land Development Code given as it is not injurious to the neighborhood nor detrimental to the public welfare. It will not contradict the public interest as multiple houses in the neighborhood and adjacent houses across the canal channel possess impervious areas to the water's edge. See attached an aerial views from Orange County Property Appraiser.

Based on the variance criteria under section 42-64 (d-g), the Staff recommends that the Board approve the requested variance to allow an impervious paver patio/deck area to the edge of the property's water line.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.



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

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 <u>John N West JR</u>	OWNER <u>John W West JR</u>
ADDRESS <u>6504 St. Pavin Place</u>	PROJECT ADDRESS <u>6504 St. Pavin Place</u>
CONTACT NUMBER <u>407-948-3542</u>	OWNER'S CONTACT NUMBER <u>407-948-3542</u>
EMAIL <u>JJR@PSIHQ.COM</u>	OWNER'S EMAIL <u>JJR@PSIHQ.COM</u>
PARCEL ID# <u>20-23-30-1678-00-220</u>	
LAND USE CLASSIFICATION <u>Residential</u>	ZONING DISTRICT
SECTION OF THE CODE VARIANCE REQUESTED ON <u>50-120(A) - Setback</u>	<input checked="" type="checkbox"/> Variance Fee \$300 <input type="checkbox"/> Special Exception \$750
DETAILED VARIANCE REQUEST <u>See Attached walkway by the waterline</u>	
<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 property deed restriction. • By applying, I authorize the 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 <u>2025-01-028</u> DATE OF HEARING

VARIANCE

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.



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Variance and Special Exception Application

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

SPECIAL EXCEPTION

Applications submitted must meet all of the above criteria before the Board can grant a variance. The applicant bears the burden of proof that they 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:

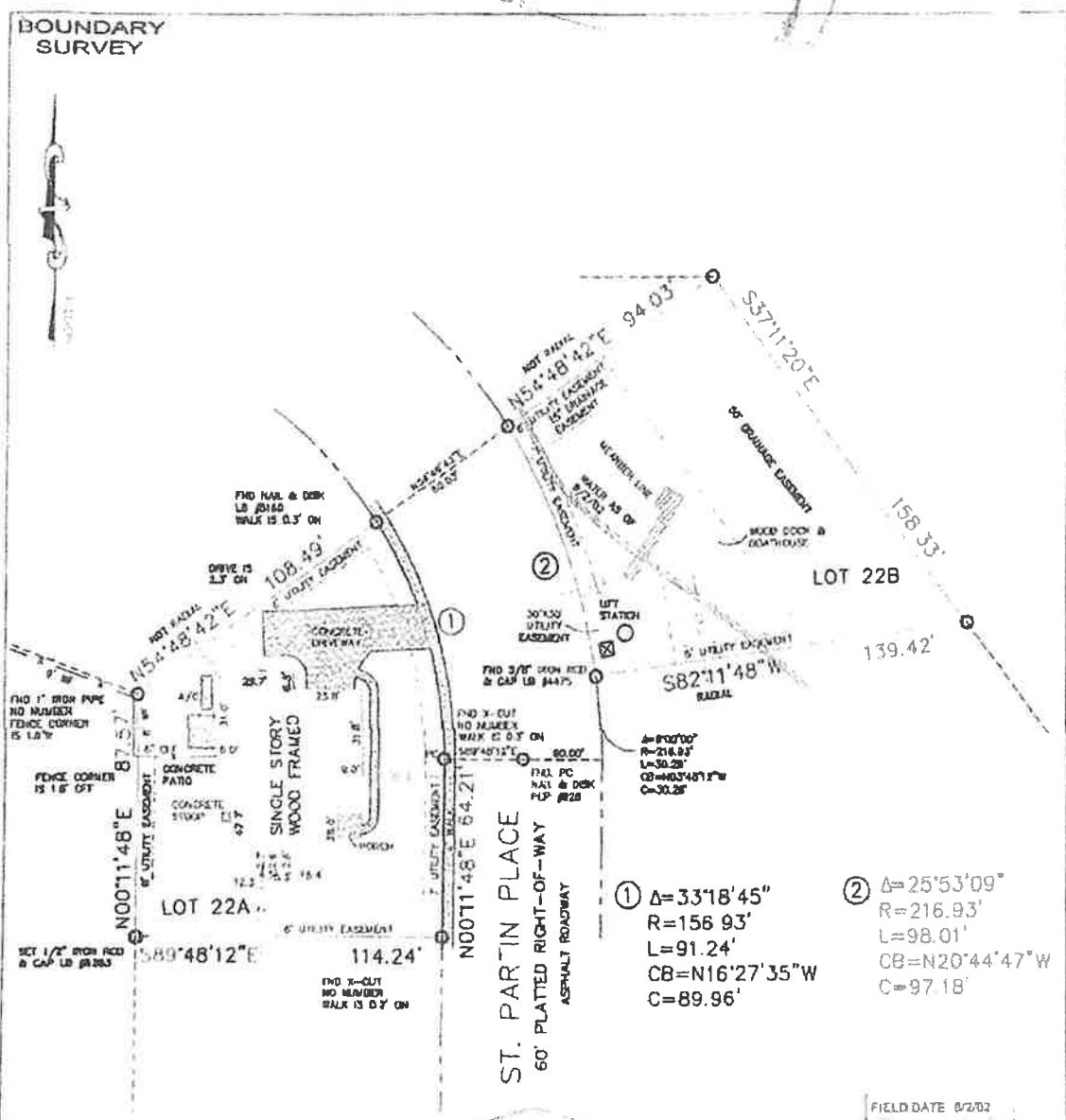
1. A written application for a special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
2. The Board shall find that it is empowered under the section of the zoning ordinance described in the application to grant the special exception 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 utilizing the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

<p>FOR OFFICE USE ONLY:</p> <p>FEE: <input checked="" type="checkbox"/> \$300 VARIANCE <input type="checkbox"/> \$750 SPECIAL EXCEPTION</p>	<p style="text-align: center;">1-27-25 CC169929379</p> <p style="text-align: center;">Date Paid Check/Cash Rec'd By</p>
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RECEIVED
 JUN 16 2022



SURVEYOR INFORMATION	DATE	REVISION	COORDINATED BY	PREPARED FOR
			RESIDENTIAL	Sunbelt Title Agency Service You Can Trust
FILE NUMBER AS48929	DATE	REVISION	COORDINATED BY	JOB ORDER NUMBER
				RLS 02 07 325
COPIES TO (AS FURNISHED)	DATE	REVISION	COORDINATED BY	SURVEYOR'S CERTIFICATE
				I DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREON

Property Record - 20-23-30-1678-00-220

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

Property Summary as of 01/26/2025

Property Name

6504 St Partin Pl

Names

West Jennifer R
West John N Jr

Municipality

BI - Belle Isle

Property Use

0103 - Single Fam Class Iii

Mailing Address

6504 Saint Partin Pl
Belle Isle, FL 32812-3509

Physical Address

6504 St Partin Pl
Belle Isle, FL 32812

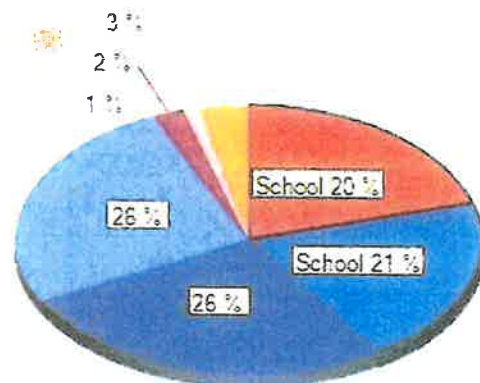
OR
OR
Code
For
Mobile
Phone



6504 ST PARTIN PL, BELLE ISLE, FL 32812 1/24/2023 11:50 AM



302320167800220 09/28/2006



Property Features

Property Description

CONWAY LAKES 8/3 LOTS 22A & 22B

Total Land Area

27,348 sqft (+/-)

0.63 acres (+/-)

GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0131 - Sfr - Canal Front	BI-R-1-AA	1 Units	working...	working...	working...	working...

Buildings

Model Code	1 - Single Fam Residence	Subarea Description	Sqft	Value
Type Code	0103 - Single Fam Class Iii	BAS - Base Area	2322	working...
Building Value	working...	FOP - Finished O	120	working...
Estimated New Cost	working...	FEP - Finished E	576	working...
Actual Year Built	1980	FGR - Finished G	506	working...
Beds	4	PTO - Patio	432	working...
Baths	2.5	FUS - Finished U	898	working...
Floors	2	FEP - Finished E	144	working...
Gross Area	4998 sqft			
Living Area	3940 sqft			
Exterior Wall	Cb.Stucco			
Interior Wall	Wood Panel			

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
FPL2 - Fireplace 2	01/01/1980	1 Unit(s)	working...	working...
PT1 - Patio 1	01/01/1980	1 Unit(s)	working...	working...
BC3 - Boat Cover 3	01/01/1980	1 Unit(s)	working...	working...
BD3 - Boat Dock 3	01/01/2010	1 Unit(s)	working...	working...
PTNV - Patio No Value	01/01/2010	1 Unit(s)	working...	working...
PT1 - Patio 1	01/01/2017	1 Unit(s)	working...	working...
PL2 - Pool 2	01/01/2017	1 Unit(s)	working...	working...

Sales

Sales History

1/25/25

City of Belle Isle – Planning and Zoning Board

Standards of Variance Justification – Section 42-64

Request for Variance - Installation of walkway to allow access to Dock within 30' of lake

Owner: John N West Jr & Jennifer Rae West

Address: 6504 St. Partin Place - Conway Lakes Subdivision

Parcel # 20-23-30-1678-00-220

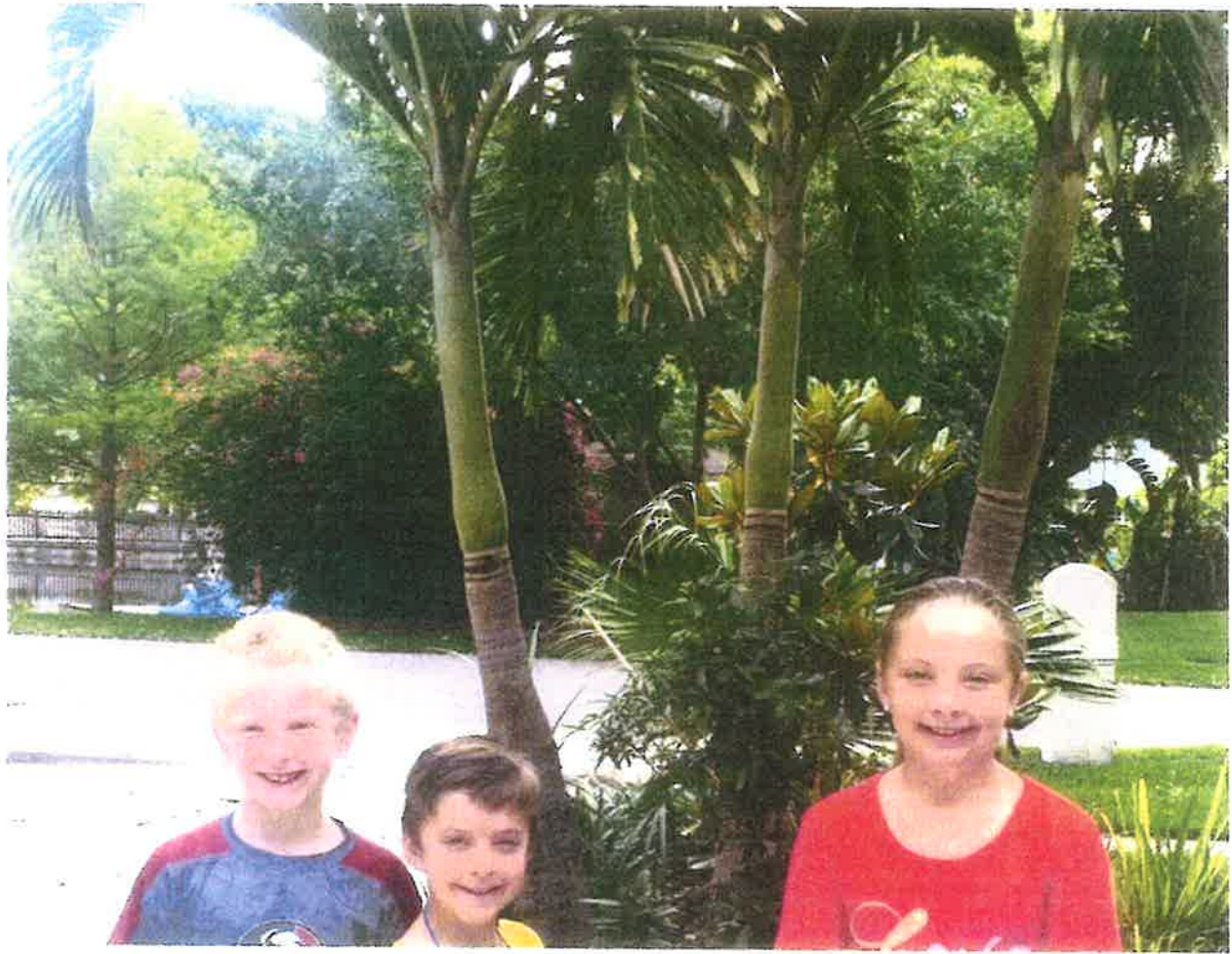
Section 42-64 (1) d – Special Conditions

I am owner and resident of 6504 St. Partin Place in the Conway Lakes & The Landing subdivision off Judge Rd. My lot parcel is made up of two separate pieces one with my house on it and the other across the street on the canal that leads into Lake Conway, with three utility easements on it. The developer included the lot to allow for lake access and have more lake lots and because it was not buildable due to the county lift station located on it.

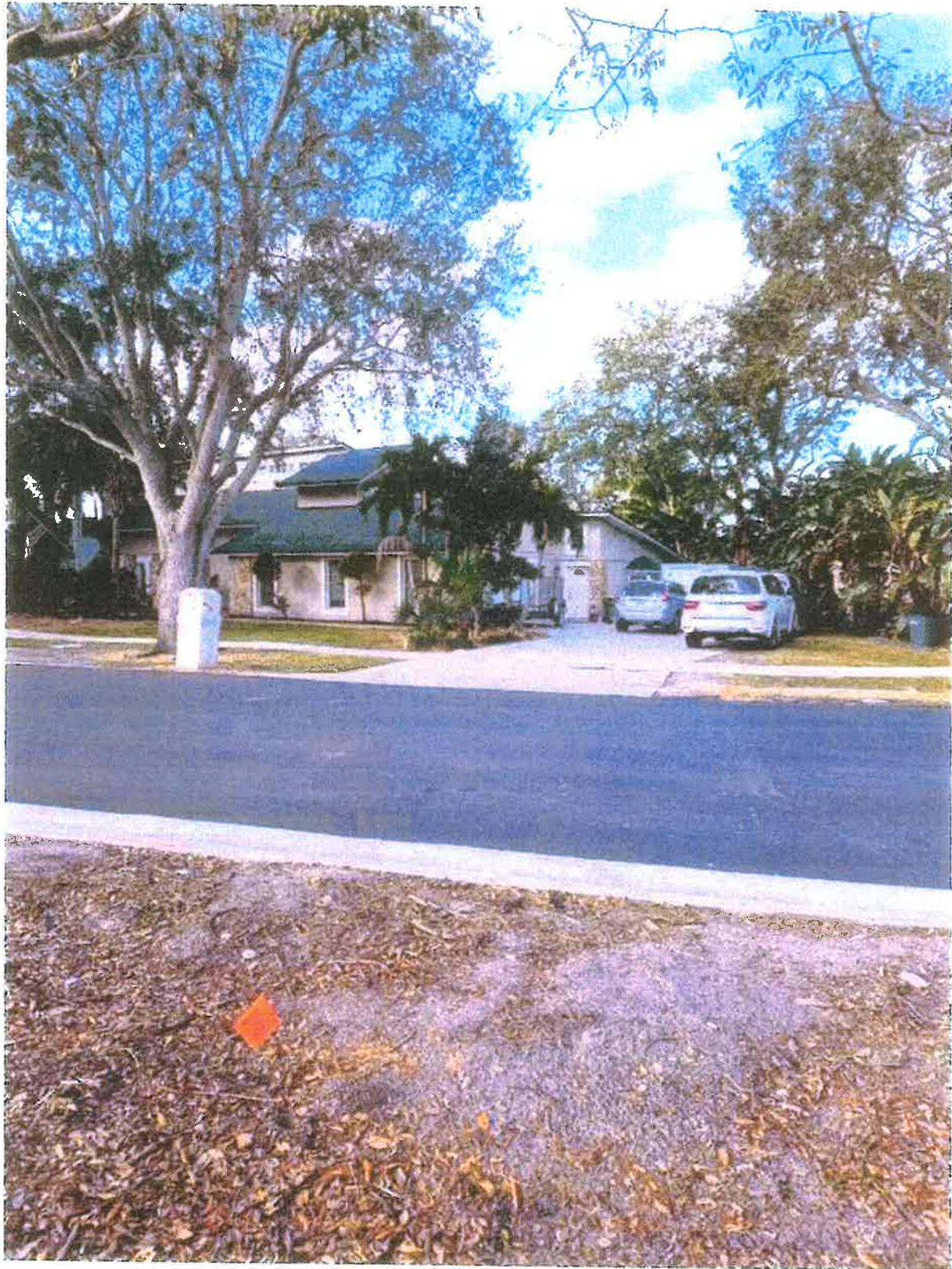
When I purchased the house in 2007 the lift station was very small and obscure, did not impede my access to the dock. There grass covering the space, no fences, no pumps or generator sets. It was simply a set of control panels next to a ground level 10' wide round concrete lid that covered the pumps in the ground. It was not industrial and if you were not looking for it you would not even notice it. Now we have an industrial facility right next to my dock.

Section 42-64 (1) e – Not Self Created

In 2023 the county announced plans to revamp the lift stations and they began the work on our property in 2024. The county did not inform us of the changes that were being made before hand, they did not attempt to work with us on the changes, and did not ask if the project was going to affect us. The changes included covering the entire space with concrete, adding new panels and controls, new pumps and underground work, adding a very large combination generator and pump system that is 7' tall and adding a chain link fence that wraps around the entire space. I cannot access my dock free and easy and in a safe manner due to the work the county has done.



See behind my kids the lot before the construction. This was in 2015. There was a huge bougainvillea, crepe myrtle and a enormous camphor tree that was all removed during the construction. If you look hard you can see some of the control panels for the lift station over the top of the mailbox over my daughters right shoulder.



My House 6504 St. Partin Place - Looking from where walkway will start.



The new lift station

It was during the construction phase of the project that it became apparent to the county that this project was going to make access to my dock very difficult and dangerous at best due to the placement of the construction all the way to the edge of the easement, the height of the added concrete wall and footer, the slope of the area that was left that the

county did not take into consideration and the ability to keep the soil erosion from flowing into the lake and creating a separate problem.

Section 42-6+4 (1) f – Minimum Possible Variance

The county proposed providing a concrete base walkway with paver top from the street curb to the start of my dock walkway. This would be paid for by the county and installed by county approved contractor. There will be a handrail and the 4' wide walkway would allow for ADA compliance and ensure safety since the slope is so strong at this time. If we do not have the walkway added we will not be able to safely access our dock. This was not due to my actions, this was due to the county work and I do not have any ability to change this or make it different. I have to work with the county to get to a solution the will accommodate all. The county also understands that they have a responsibility to allow me free and easy access to my dock and property. The walkway seems to be the only way to allow this to happen as all other suggestions did not work.

During the construction phase the county also decided to add covering vegetation/shrubs around the outside of the fence to soften the look and make it more 'residential' but in doing so I was forced to agree to manage and maintain the shrubs because the city and county would not. I agreed to this but in order to do so I needed the ability to access the shrubs and the county agreed this walkway will help with this.



The grade of the access is very steep and will be steeper when backfilled and sod added



You can see the steepness of the grade and the need for the walkway.

Section 42-64 (1) g - Purpose and Intent

The installation of this walkway will not affect any of my neighbors and will not harm their adjacent properties and will in fact help with the aesthetics of the space, will make the area look cleaner, sharper and more in line with a neighborhood rather than an industrial site. The entrance to the walkway will be marked with private property signage, will have solar lighting for rails and walkway and will I feel soften the look of the space. The walkway will be away from any homes, (no homes are on that side) will run along the edge of the lift station and will help to keep the slope and soil from eroding into the lake. It will ensure free and easy access to my dock without risk of injury. Without it this will not be possible.

The walkway crosses a 6' easement that OUC has along the road, and the County is working with OUC to get permission for the walkway to go across the utility easement that is 6' from the road and runs along the lot. The county already has OUC moving a street light to accommodate the construction so this should be something that they will agree to. I understand that unless OUC provides the permission we will have to start the walkway 6' from the road. We hope this will not happen.

We ask that the Planning and Zoning board approve of our request and allow for the walkway to be installed. Please see pictures of the site and explanation of what is there.



The Walkway will run from here to the dock.