MEMORANDUM

TO: Planning and Zoning Board

DATE: February 25, 2025

RE: Variance Application – 5724 Cove Drive

Planning and Zoning Case Number 2024-12-009: PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (A) (3), 48-32 (A) (4), AND 48-32 (C) (2), TO ALLOW A DOCK TO EXCEED THE ALLOWABLE 14-FOOT MAXIMUM HEIGHT LIMIT BY AN ADDITIONAL THREE FEET, ALLOW A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNRED THIRTEEN SQUARE FEET, AND ALLOW A DOCK TO HAVE A FLAT ROOF AS AN ACTIVITY DECK, SUBMITTED BY APPLICANT PETER FLECK, ON BEHALF OF THE PROPERTY OWNER PAUL KUCK, LOCATED AT 5724 COVE DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1660-00-040.

Background:

- 1. On December 5, 2024 the applicant submitted a Variance application and the required paperwork.
- 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 48-33, 48-32(A(3) AND 48-32, TO ALLOW A DOCK TO EXCEED THE ALLOWABLE 14-FOOT MAXIMUM HEIGHT LIMIT BY AN ADDITIONAL THREE FEET, ALLOW A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNRED THIRTEEN SQUARE FEET, AND ALLOW A DOCK TO HAVE A FLAT ROOF AS AN ACTIVITY DECK, SUBMITTED BY APPLICANT PETER FLECK, ON BEHALF OF THE PROPERTY OWNER PAUL KUCK, LOCATED AT 5724 COVE DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1660-00-040.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE 48-33, 48-32(A(3) AND 48-32, 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 A DOCK TO EXCEED THE ALLOWABLE 14-FOOT MAXIMUM HEIGHT LIMIT BY AN ADDITIONAL THREE FEET, ALLOW A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNRED THIRTEEN SQUARE FEET, AND ALLOW A DOCK TO HAVE A FLAT ROOF AS AN ACTIVITY DECK, SUBMITTED BY APPLICANT PETER FLECK, ON BEHALF OF THE PROPERTY OWNER PAUL KUCK, LOCATED AT 5724 COVE DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1660-00-040.

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:

5724 Cove Drive

Application Request: Planning and Zoning Case Number 2024-12-009: PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (A) (3), 48-32 (A) (4), AND 48-32 (C) (2), TO ALLOW A DOCK TO EXCEED THE ALLOWABLE 14-FOOT MAXIMUM HEIGHT LIMIT BY AN ADDITIONAL THREE FEET, ALLOW A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNRED THIRTEEN SQUARE FEET, AND ALLOW A DOCK TO HAVE A FLAT ROOF AS AN ACTIVITY DECK, SUBMITTED BY APPLICANT PETER FLECK, ON BEHALF OF THE PROPERTY OWNER PAUL KUCK, LOCATED AT 5724 COVE DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1660-00-040.

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

Background

The applicant seeks to build a new dock 17 feet in height, measuring from the water line to the roof's peak, to exceed the maximum allowable terminal platform size by an additional 113 square feet to create an overall size of 1,113 square feet that includes the first level and second level's roof overhang dimensions, and create a flat roof feature to allow a sun deck area.

The application filed seeks a variance from the following Code requirements:

- 1. Section 48-32 (A) (3), Total Terminal Platform Area. The terminal platform of the dock collectively may not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of linear shoreline frontage and then five times the linear shoreline frontage for each foot in excess of 75 feet thereafter, and the total of each when combined shall not to exceed a maximum of 1,000 square feet. A maximum terminal platform area of 400 square feet shall be allowed for properties with less than 40 feet of linear shoreline frontage. The area for the docking and mooring of boats and other appurtenances is included in the terminal platform area calculation.
- 2. Section 48-32 (A) (4), Height. Except for floating docks, the minimum height of dock decks shall place them one foot above the NHWE of Lake Conway. The maximum height, which is to be measured from the top of the structure, shall be 14 feet above the NHWE of Lake Conway.

3. Section 48-32 (C) (2), No flat roofs. Minimum roof pitch (slope) is 2:12; maximum roof pitch (slope) is 5:12.

The property currently maintains a legally nonconforming, enclosed boat house. Under section 48-34 for dock maintenance, the city code requires that any new dock must adhere to the current regulations for zoning compliance.

Criteria for Dock Variance Cases

Pursuant to section 48-33, the board shall not approve an application for a variance unless and until each of the following criteria have been met:

- (1) The dock shall not create conditions hazardous to navigation nor any safety hazards;
- (2) The location and placement of the dock shall be compatible with other docks in the area, and the NHWC of the lake;
- (3) The current level of the lake shall not be a factor in deciding whether to approve or deny a variance;
- (4) The application does not confer a special benefit to the landowner over and above the adjoining landowners and does not interfere with the rights of the adjoining property owner to enjoy reasonable use of their property; and
- (5) The requirements of subsection 42-64(1), except for subsection 42-64(1)d.

Staff Recommendation

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

- (1) The requested variances for the dock height, terminal platform size, and flat roof feature do not create conditions hazardous to navigation nor any safety hazards as proposed. The applicant proposes to rebuild a new dock with a 14.6-foot southern side setback from the nearest side lot line and nearly a 60-foot side setback from the northern side lot line.
- (2) The location and placement of the dock shall be compatible with other docks in the area, and the NHWC of the lake. However, the proposed design of the new dock height, terminal platform size, and flat roof feature are incompatible with the other docks in the area.
- (3) The lake's current level is not a factor in the request of the variance requests as the three variance requests do not seek to augment the lake level or gain additional dock length based on the lake level.
- (4) The application confers a special benefit to the landowner over and above the adjoining landowners due to the proposed design features.
- (5) The requirements of subsection 42-64 (1), except for subsection 42-64 (1) (d):
 - A. Special Conditions and/or Circumstances (Section 42-64 (1) d):

 Per section 48-33 (b) (5), the criterion is not applicable for consideration of a dock variance.
 - B. Not Self-Created (Section 42-64 (1) e):

 The requested variances are self-created as the applicant seeks to demolish and rebuild a nonconforming boat dock contrary to the design standards established in the city land development code. A personal hardship is not grounds for a variance approval.
 - C. Minimum Possible Variance (Section 42-64 (1) f):

 The requested variance does not seek the minimal possible variance to make reasonable use of

the land as the applicant seeks to obtain multiple variances with significant design deviations than allotted by the city's current code requirements.

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

The requested variance does not negatively impact the adjacent properties or neighborhood. However, the project proposal is incompatible with the surrounding boat dock designs.

Based on consideration of the dock variance criteria, staff recommend that the Board deny the three requested variances for the proposed dock height, terminal platform size, and allow a flat roof per section 48-33(4) and section 48-33(5).

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 Code Requirements – Narrative Response

5724 Cove Drive, Belle Isle Florida

Application to Construct a Boat Dock

Here is a narrative letter which addresses the city code requirements per section 48-33 including subsection 42-64(1), except for subsection 42-64 (1) (D). The code language is provided with our response/comments followed in bold.

Section 48-33. - Dock variances.

- (a) In the event the applicant wishes to construct, expand, extend, or repair a dock, or conduct any other activity not meeting one or more of the criteria or requirements described in <u>section 48-32</u>, a variance application must be made for hearing by the city planning and zoning board. Application fees shall be in accordance with the city fee schedule.
- (b) The board shall not approve an application for a variance unless and until each of the following criteria have been met:
- (1) The dock shall not create conditions hazardous to navigation nor any safety hazards;

See attached site plan

(2) The location and placement of the dock shall be compatible with other docks in the area, and the NHWC of the lake;

See attached aerial photographs, survey, and site plan with the NHWE depicted.

The new dock is being placed essentially in the same location as the existing dock. This will avoid impacts to a large area of aquatic vegetation located on the shoreline at the shared boundary with 5716 Cove Drive (Kimberly Cheslock Revocable Trust). In addition, since the dock is being proposed in essentially the same location as the existing dock, this provides a larger buffer from the adjacent properties to the north and should minimize any impact of the additional height or use of the second story.

In the immediate vicinity the adjacent property owner (Paul Giles) who owns the property located at 5820 Cove Drive to the immediate south has signed a letter of concurrence (attached) for a setback waiver to allow the dock to be "clustered" with his dock. He has reviewed the plans and it is safe to assume he has no objection to the request for additional height or use of the second story.

(3) The current level of the lake shall not be a factor in deciding whether to approve or deny a variance;

Noted

(4) The application does not confer a special benefit to the landowner over and above the adjoining landowners and does not interfere with the rights of the adjoining property owner to enjoy reasonable use of their property; and

Noted

(5) The requirements of subsection 42-64(1), except for subsection 42-64(1)d

Section 42-64 (1) - Variances

The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.

- (1) *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.

Completed.

b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.

Completed.

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.

Public hearing scheduled for 02/25/25

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.

The property actually consists of two lots that have been combined. Per the Orange County Property Appraiser, the property description is as follows:

CONWAY GARDENS R/18 LOTS 4 & 5 & LAND TO 86.4 FT CONTOUR LINE. Since the property actually comprises two of the subdivision lots, a larger house was able to be constructed; therefore, the applicant is requesting a larger boat dock than allowed by Code to complement the home and facilitate a more spacious space for the homeowner's recreational use.

Although Belle Isle limits the dock height to 12 feet, Orange County recently updated its code to allow for a 15-foot roof height. The Orange County Environmental Protection Division (EPD) updated its dock code in 2022 due to feedback from contractors and citizens. We understand that this dock is on a

portion of the lake that is regulated by Belle Isle; however, other portions of the lake are regulated by EPD, and if this dock were located on a County-regulated portion of the lake, the applicant would not need a variance for the roof height or the design that includes a second-story. The dock would comply with the updated County Code. In addition, if the two lots were separately owned by different individuals, it's likely there would be two docks constructed (one on each lot), which when combined could be actually larger than the one proposed by the applicant.

In addition, the new dock is being placed essentially in the same location as the existing dock. This will avoid impacts to a large area of aquatic vegetation located on the shoreline at the shared boundary with 5716 Cove Drive (Kimberly Cheslock Revocable Trust). In addition, since the dock is being proposed in essentially the same location as the existing dock, this provides a larger buffer from the adjacent properties to the north and should minimize any impact of the additional height or use of the second story.

The adjacent property owner (Paul Giles) who owns the property located at 5820 Cove Drive to the immediate south has signed a letter of concurrence (attached) for a setback waiver to allow the dock to be "clustered" with his dock. He has reviewed the plans and it is safe to assume he has no objection to the request for additional height or use of the second story.

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.

This is a unique circumstance in which the subject site comprises two lots of the subdivision. The "character" of the subdivision has already been compromised due to the previous decision to allow for a combination of the lots for building a larger home. This request is unique, and approval of the applicant's variance request in no way will create a scenario for additional similar requests. There are no other homes that have been constructed on a combination of two lots.

f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

If the two lots were separately owned by different individuals, it's likely that two individual docks would be constructed (one on each lot), which when combined could be actually larger than the one proposed by the applicant. The design of the dock includes a second story to provide the maximum surface area for the applicant without creating an even larger footprint to provide both mooring areas and recreational areas for the property owner.

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.

The granting of the variance for Mr. Kuuk will not be detrimental to the public welfare and will not be contrary to the public interest. The dock will really have no impact of the public, with the exception of the immediate neighboring properties. The applicant is willing to offset any environmental impact to the lake that might be caused by the additional size by providing mitigation (in the form of mitigation credits at a state-approved mitigation bank or a one-time contribution to the City of Belle Isle conservation fund (or other funds designated by the City) to offset the shading impacts caused by the additional size of the dock. The amount of credits or conservation fund donation is to be determined by the City once approved. Based on a preliminary estimate utilizing the Uniform Mitigation Assessment Method (UMAM), the size of the impact, and the basin that the project is located in, we have calculated an estimate of about \$1500.

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

Noted.

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: 12-04-24 12/3/24 P&Z C	ASE #: 2024-18-009				
✓VARIANCE □ SPECIAL EXCEPTION □ OTHER DATE OF HEAR DATE OF HEAR	ING:				
Applicant Peter Fleck	Owner Paul Kuck				
ADDRESS 100 W Plant St, Winter Garden, FL 34787	5724 Cove Dr, Belle Isle, FL 32812				
PHONE: 407-724-1550	(407) 506-2706				
PARCEL TAX ID #:	20-23-30-1660-00-040				
LAND USE CLASSIFICATION: 0130 - Sfr - Lake Front ZONING DISTRICT: BI-R-1-AA					
DETAILED VARIANCE REQUEST: Boat dock terminal platform size, height, and addition of 2nd floor deck					
					
SECTION OF CODE VARIANCE REQUESTED ON: Sec. 48-32					

- 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.

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 ensure compliance 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 discretion of the board, such variance may be revoked for violation of the condition and/or 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 or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted 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.

APPLICANT'S SIGNATURE			OWNER'S SIGNATUR	E de de	
FOR OFFICE USE ONLY:	FEE: \$300.00	12-5-24 Date Paid	2ept-553072 Check/Cash	Rec'd By	
Determination					

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

ABOUT YOUR PUBLIC HEARING

The following information is provided to assist applicants in applying for a variance, special exception or use determination. Please familiarize yourself with the process by visiting

The City of Belle Isle's Planning and Zoning Board, which is comprised of seven (7) non-paid volunteer residents, meets on the fourth Tuesday of the month to hear various planning and zoning issues, including variances, special exceptions and use determinations. In recommending approval or denial of a request, the Board looks at each application individually to determine if the request meets the following criteria:

A written application for variance must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. The application **MUST** include:

- a. the \$300.00 filing fee,
- b. a completed application form,
- c. proof of ownership of the property, or, a notarized statement from the owner with the representative's information,
- d. 10 copies of a plot plan or survey showing all improvements to the property, 10 copies of a scale drawing of the planned construction, illustrated on the survey, and digital format for large scale documents is required.
- e. for boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- f. A narrative addressing how the variance complies with the following:
 - 1) The literal enforcement of the provisions of the zoning ordinance 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.
 - 2) Personal hardship is not being considered as grounds for a variance, since the variance will continue to affect the Character of the neighborhood after the title to the property has passed, and that the special conditions and circumstances were not created in order to circumvent the zoning ordinance for the purpose of obtaining a variance.
 - 3) The variance is the minimum variance that will make possible reasonable use of the land, building or structure.
 - 4) The granting of the variance will be in harmony with the general purpose and intent of the zoning ordinances, will not be detrimental to the public welfare and will not be contrary to the public interest.

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 show compliance with the criteria.

A special exception addresses compatibility of uses, differing slightly from a variance. The approval of a special exception is dependent upon 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:

- A written application for 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)
- The Board shall make a finding that it is empowered under the section of the zoning ordinance described in the application to grant the special exception, and that granting of the special exception will not adversely affect the public interest.
- It is determined that the public health, safety, comfort, order, convenience, prosperity, morals or general welfare is promoted, protected or improved.

General Information

- 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 fifteenday waiting period gives all aggrieved parties an opportunity to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where he or she feels the Planning and Zoning Board erred in their decision. An appeal hearing will then be held by Belle Isle's City Council.
- 4. Sec 42-67 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.

January 6, 2025

Raquel Lozano City Planner www.belleistefl.gov

RE: 5724 Cove Drive, Belle Isle Florida
Application to Construct a Boat Dock

Dear Ms. Lozano:

Please find our response/additional information (**presented in bold**) to the items/questions listed below in order to finish the staff review of our application for the construction of a dock (with several variances) at 5724 Cove Drive, on behalf of the property owner Mr. Paul Kuuk.

At this time we understand that the application is incomplete and that this information is required at least three weeks prior to the next scheduled Planning and Zoning public hearing on 25 February 2025. We also understand that some of this information is required for the legal notice and that it will be included in the staff report for the board to review:

A Narrative Letter, which addresses the city code requirements per section 48-33 including subsection 42-64(1), except for subsection 42-64 (1) (D). Here is a link to the code section: https://library.municode.com/fl/belle_isle/codes/code_of_ordinances?nodeld=SPBLADECO_CH48ENRE_ARTIIDO_S48-33DOVA

Please see the attached narrative response (attached) to city code requirements per section 48-33 including subsection 42-64(1), except for subsection 42-64 (1) (D).

2. Proof of ownership. This information can be shown on the Orange County Property Appraiser's website.

Please see the Trustee Deed (attached).

Please address the following items to address the parameters of your request:

1. What is the overall square footage of the dock? The total square footage of the dock should be calculated at 1113 square feet. Although the dock has a proposed flat roof that will be used as an activity deck, and a roof overhang for shading and water displacement, the overall impact of this proposed dock to the lake (the aerial/pre-empted footprint) does not increase due to the addition of a second story. Although not specified in the code, we believe the intent of the code, when determining the impact of the dock on the resources within Belle Isle, is to look at the overall footprint over water, not to include the second story in the calculation of the square footage. The Orange County code and current guidance from the Orange County Environmental Protection Division (EPD) allows for a second story during permitting/construction of docks and they do not count any of it in the calculation of the dock's square footage.

The "Square Footage" building sheet notes that the 1^{st} level of the terminal platform is 998 square feet but excludes the 2^{nd} level roof and deck overhang. The request to exceed the city's maximum terminal platform

size must be specified. See previous response. If the second story floor is to be included in the calculation for the square footage, then the dock is 2226 square feet (1113 \times 2). The roof overhang is not included in this calculation.

2. Under section 48-32(A)(4), the city code measures the height of a boat dock structure from the water line to the roof's peak. This section also states that the minimum height of dock decks must be at least one foot above the normal high-water line. The provided "Left Elevation" sheet does not include the dock's overall height from the water line to the structure's peak. The request to exceed the city's maximum dock height must be specified.

Please see a revised elevation drawing.

3. Under section 48-32(A)(6)(A), the applicant must provide details showing the proposed dock extension compared to the neighboring docks within 300 feet of the site location. Please provide this information for zoning review, should a variance request from this requirement be necessary.

We do not believe a variance for 48-32(A)(6)(A) is required. The proposed dock only extends approximately five feet further than the existing dock, and it is no further out than other dicks ibn the lake. We have created an exhibit using an aerial photograph and measuring tools to depict the length of several adjacent docks and the proposed dock.

4. Please confirm the proposed roof overhang dimension for this dock. The "Dock Layout – 1st Level" plan sheet shows the roof overhang as two feet, and the "Left Elevation" sheet shows that the roof overhang as sixteen inches and two feet. Please clarify this information.

This was an error. The drawings have been corrected. The roof overhang is proposed at <u>two feet</u> for the entire dock.

We hope this information is sufficient to complete your review and move this request forward to the 25 February 2025 Belle Isle Planning and Zoning Commission meeting. If you should have any additional questions or need additional information, please feel free to reach out to me at 321-208-233 or n.thomas32927@gmail.com.

Thank you

Neal Thomas

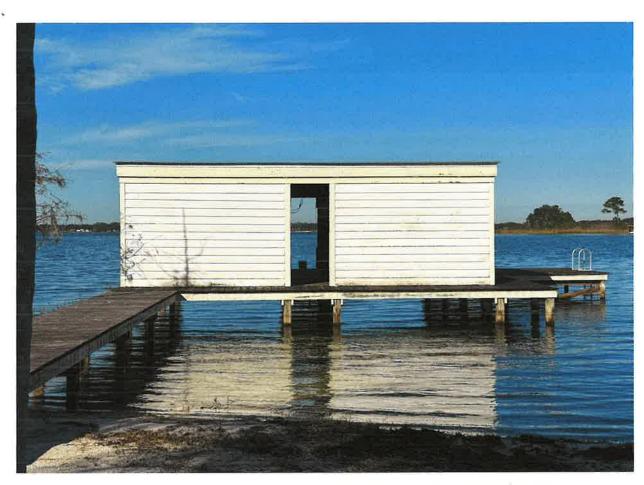
Weal Thomas

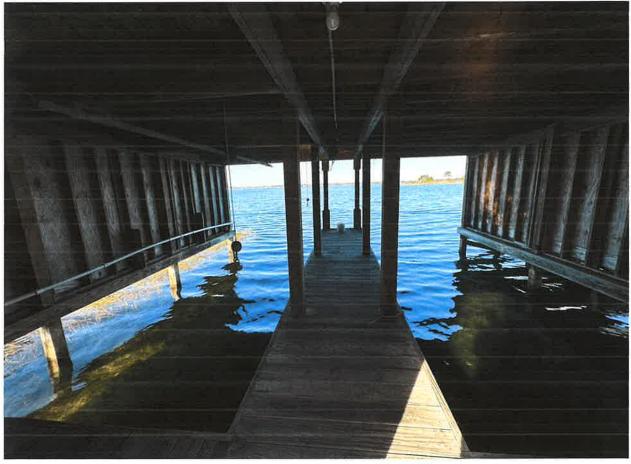
Q-ICE Builders

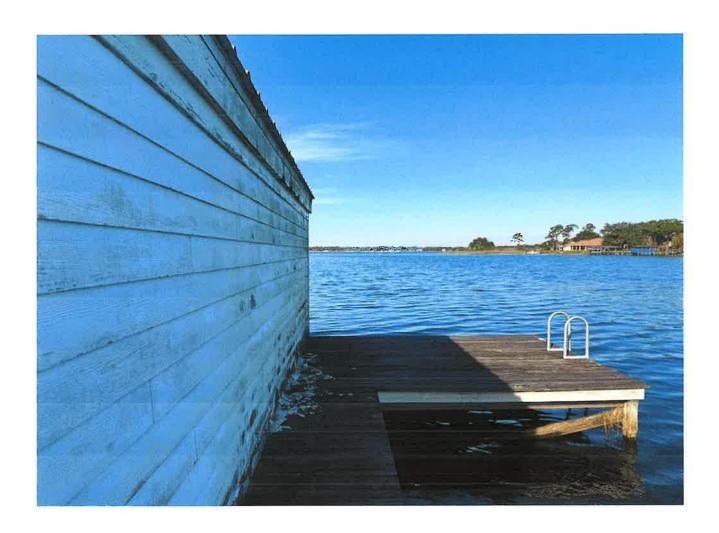
c. Paul Kuuk - pakuuk@regalboats.com

Peter Fleck, Q-ICE Builders; pkfleck@aol.com

Nick Adams, Q-ICE Builders; permitting@qicebuilders.com







DOCK PLANS

Paul Kuck

5724 Cove Dr.

Belle Isle, FL 32812

Prepared For:



Prepared By:

Robert DeWitt, Professional Engineer

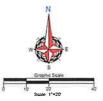
DeWitt Engineering, LLC

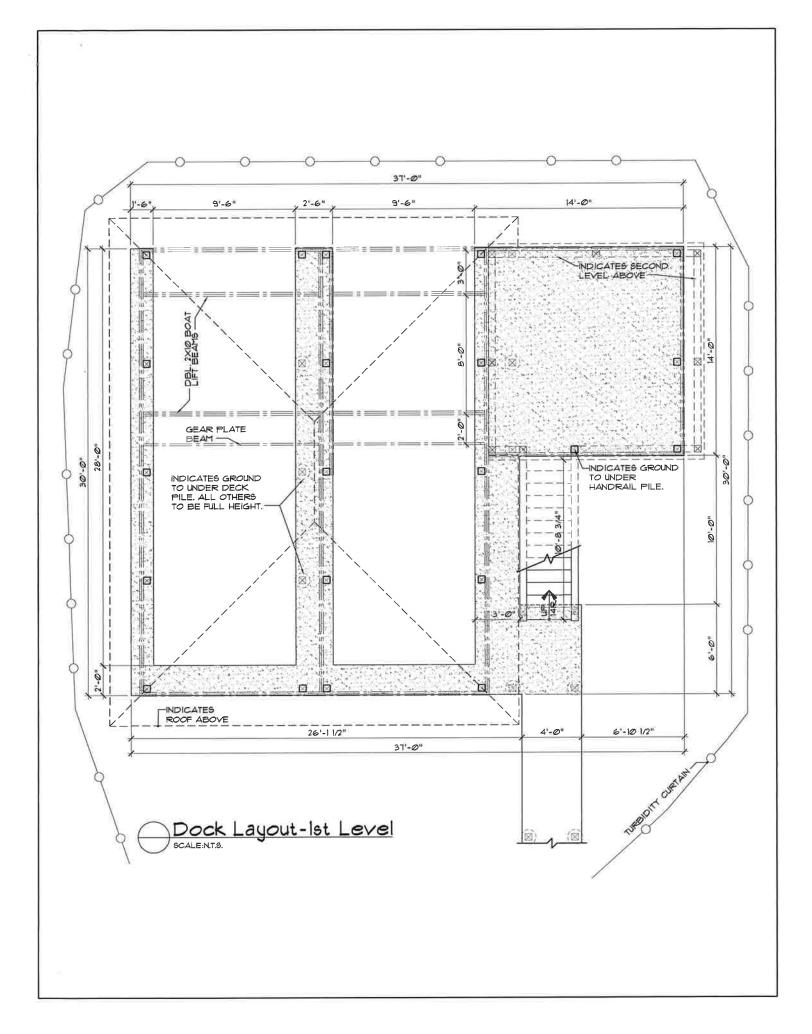
"Think it through, then follow through."

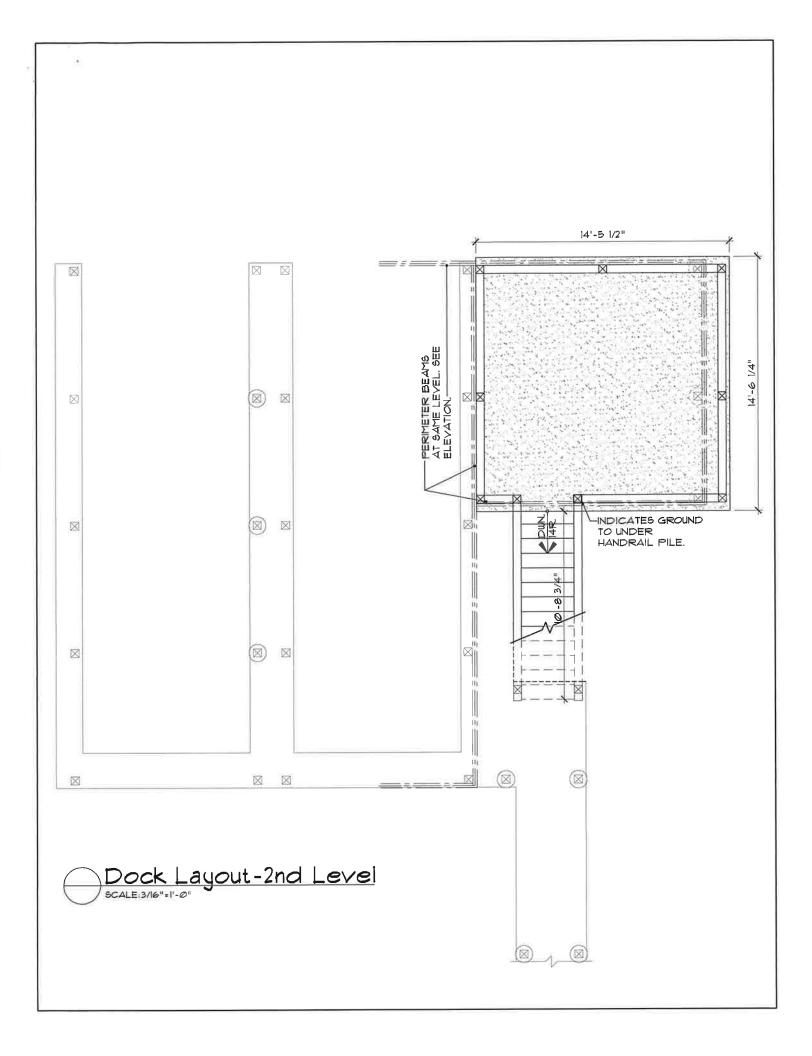
10 Royal Tern Lane Palm Coast, FL, 32164

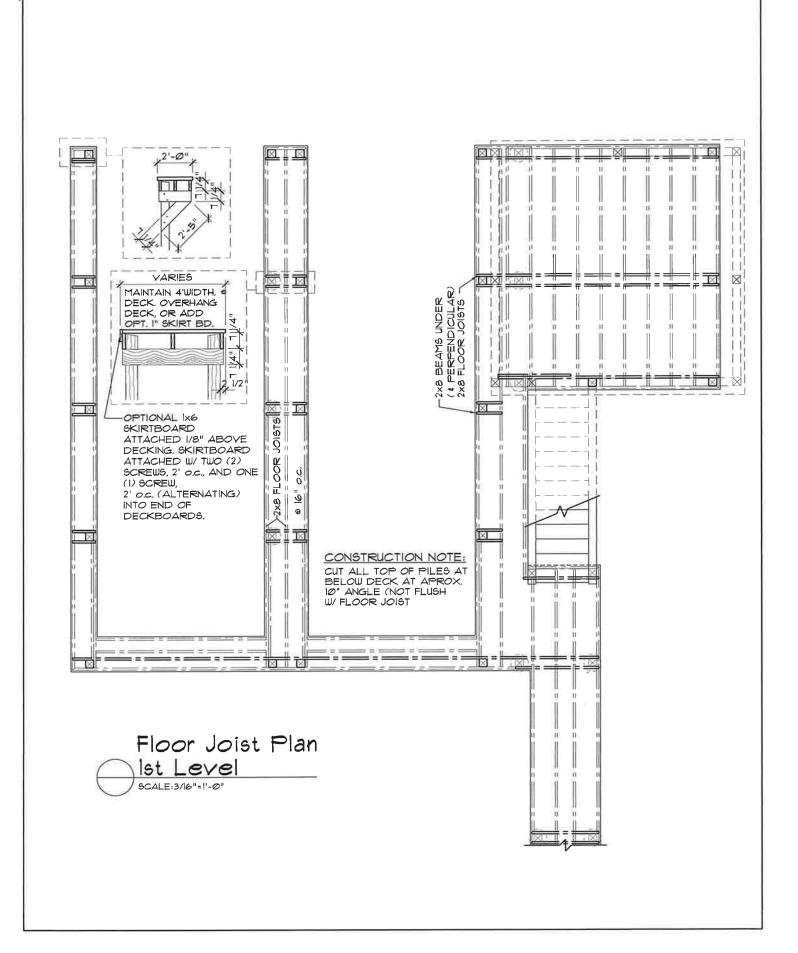
Florida License #44664

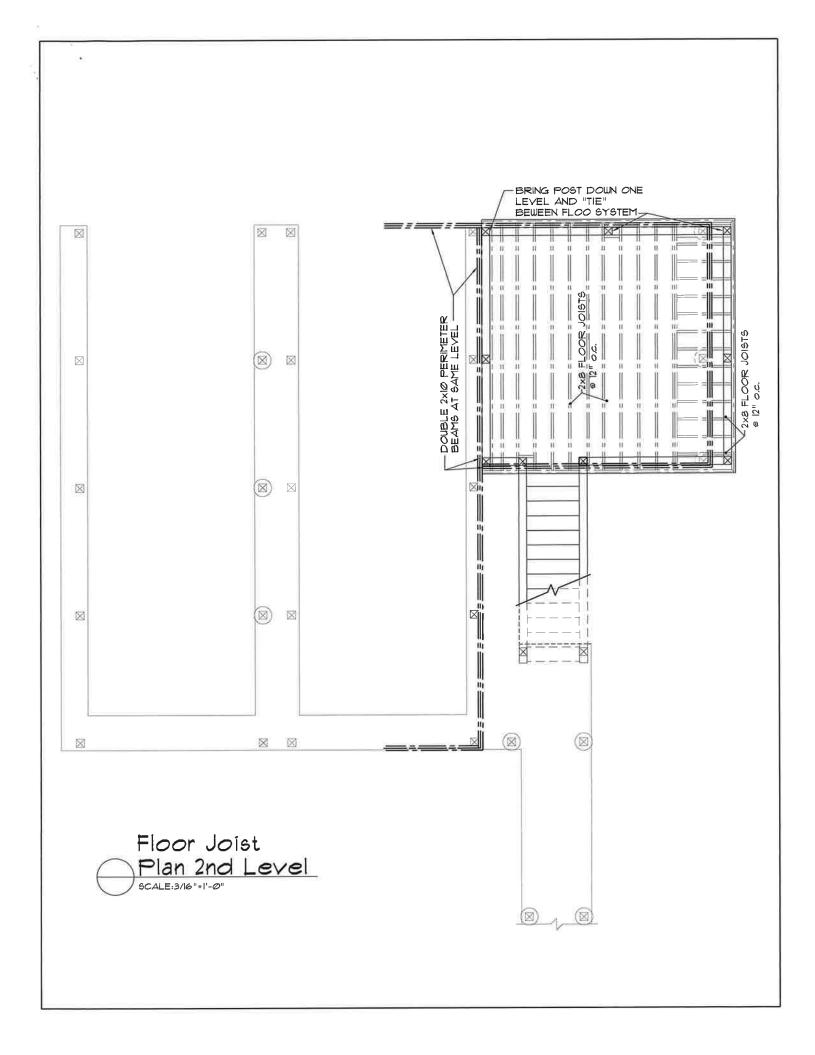
Boundary & Topographic Survey Legal Description; Lot 5 of CONWAY GARDENS, according to the Plat thereof, recorded in Plat Book R, page 18, Public Records of Orange County, Florida R, page 18, Public Records of Orange County, Florida, Also, the land lying between the prolongation of the side lines of said tot to the waters of Lake Conway, together with that property beginning at the point on the North line of Lot 5, CONWAY GARDENS, according to the Platt thereof recorded in Plat Book R, page 18, Public Records of Orange County, Florida, situated 235 feet North 78° 05° 15° West of the Northeast Comer of Said Lot 15 (said point) being the original ordinary high water mark of Lake Con way) running North 78° 05° 15° West along a prolongation of the North line of said Lot 5 a distance of 68 feet more or less to the 86.4 foot elevation contour line as designated by the Trustees of the Internal Improvement Fund of the State of Florida; thence Southerty along said contour line 72.3 feet more or less to point of intersection with prolongation of the Southerty line of said Lot 5; thence South 68° 38° 41° East along the prolongation of the Southerty line of Lot 5, a distance of 67.8 feet more or less to a point on the Southerty line of Lot 5, a distance of 67.8 feet more or less to a point on the Southerty line of Lot 5, a distance of 67.8 feet more or less to a point on the Southerty line of Lot 5, and stone or 230.6 feet North 68° 38° 41° West of the Southeast corner of said Lot 5; thence Northerty along the original ordinary highwater mark of Lake Conway to the point of beginning, Lyring and being in Section 20. Township 23 South, Range 30 East, Orange County, Florida, AND, Lot 4 of Conway Gardens, according to the Plat thereof, recorded in Plat Book R, page 18, Public Records of Orange County, Florida, Also the land lyring between the prolongation of the side lines of said to to the waters of Lake Conway. R.000 DISCLAMER BY PERFORMING A STARCH WITH THE LOCAL CONFERENCE MUNICIPALITY OR WAYN FEMA GOV THE PROPERTY APPEARS TO BE LOCATED IN ZONES X. AE 8.X500 THIS PROPERTY WAS CERTIFIED TO JOSIAH BIDDLÉ ** Lake Convay Lake Elevation = 84 20 G Brc, €)16 Coa (C) 47 Cas

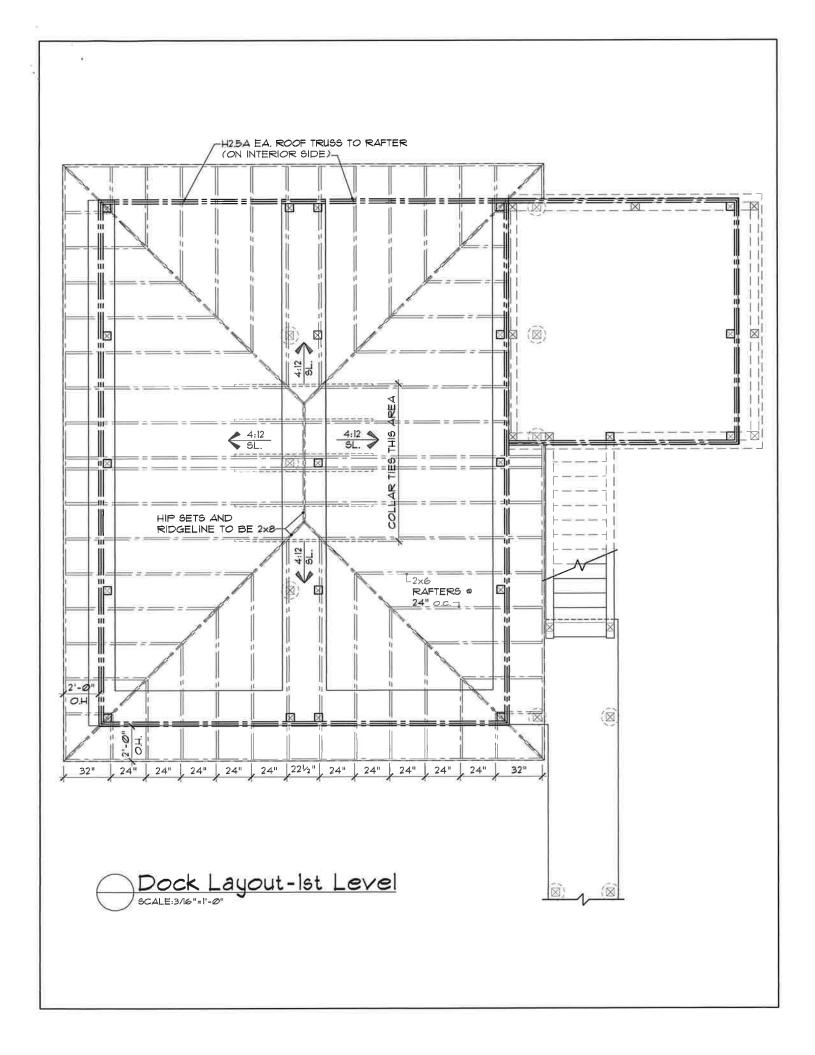


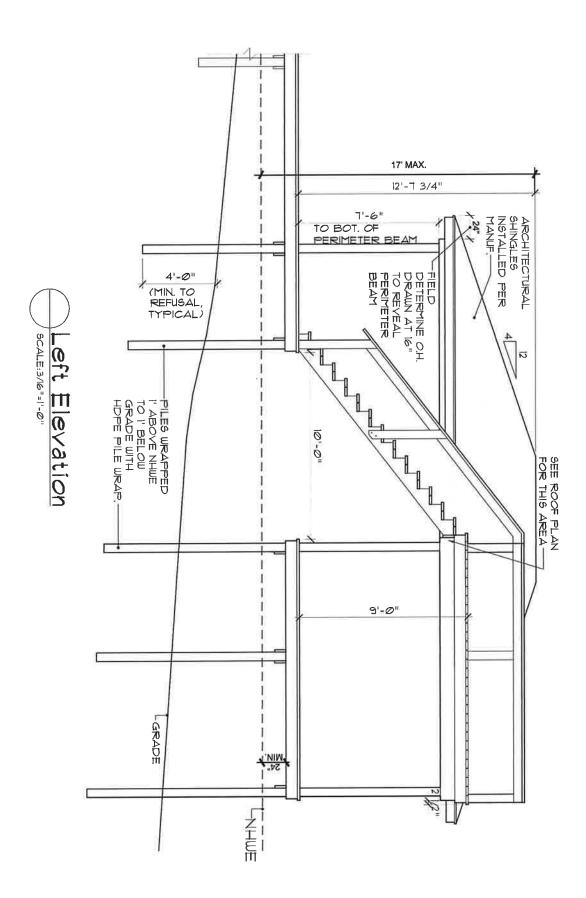


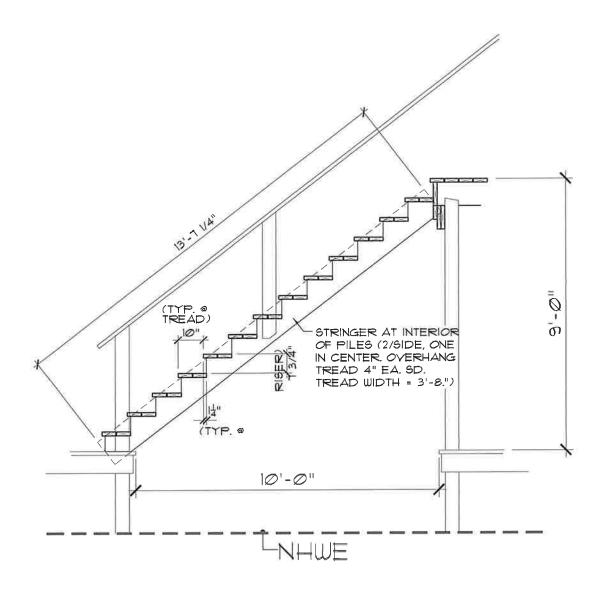








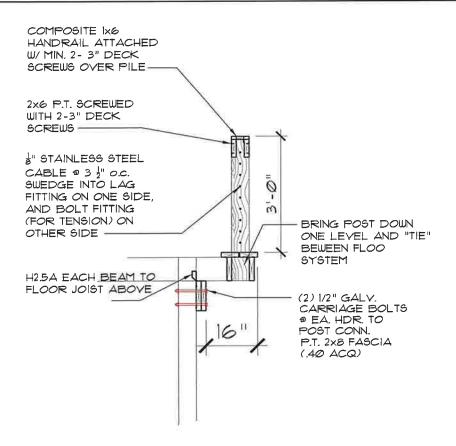




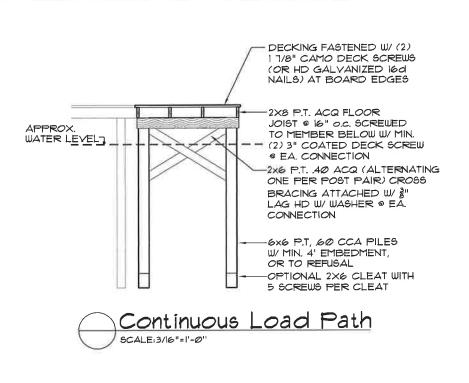
STAIRCASE CONSTRUCTION NOTES:

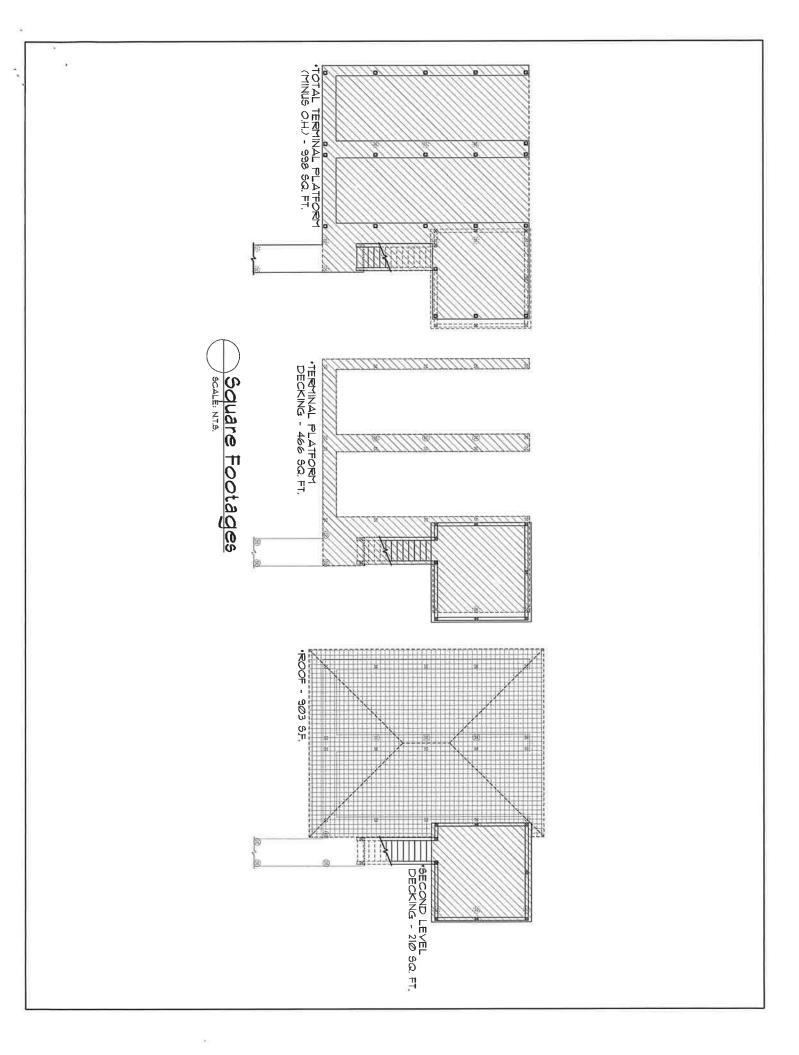
I. REQUIRED GUARDS SHALL NOT HAVE OPENINGS FROM THE WALKING SURFACE TO THE REQUIRED GUARD HEIGHT WHICH ALLOW PASSAGE OF A SPHERE 4" IN DIAMETER. 2. GUARDRAILS AND HANDRAILS SHALL RESIST A SINGLE CONCENTRATED LOAD OF NO LESS THAN 200 POUNDS APPLIED IN ANY DIRECTION AT ANY POINT ALONG THE TOP.





Section-Pile Through Floor Joist





Design Standards

The following are general design standards. More stringent design standards may be noted on the plans.

General Requirements:

Reproductions of contract drawings by contractor in lieu of preparation of shop drawings signifies acceptance of information shown as correct and obligates himself to any expense, real or implied, arising from their use. A change to the structural drawings due to the acceptance of alternates and/or substitutes is the responsibility of the contractor and must be submitted to the engineer for approval. The general contractor and each subcontractor shall verify all existing conditions prior to the start of any work. All inconsistencies shall be reported to the designer and/or structural engineer, if needed. Should contractor construct the premises in a fashion not consistent with the plans prepared by the designer and/or structural engineer, or in any fashion, change the plans and drawing without the review and approval from the designer and/or structural engineer. Then designer and/or structural engineer shall bear no responsibility or liability for the construction of premises and accuracy of the drawings.

Design Code: Florida Building Code 2023

The Aluminum Association, latest edition

ASCE 7-22

Galvanized Bolts:

All bolts shall be galvanized ASTM A572, grade 50 threaded round stock with a minimum yield stress of 50,000 psi.

Timber:

Design Loads:

Assumed Soil Bearning Pressure: 2000 psf

Ultimate Wind: 140 mph at 3 second gust (30 psf minimum)

Pursuant to Chapter 1609 LL (-Table 1607; WL- Section 1609)

Risk Category II (Table 1604.5)

Exposure Category: "D" (FBC 1609.4.3 & ASCE 7-16, Section 26.7.2)

Deck Live Load: 100 psf Guardrail: 50 plf and 200 lbs (concentrated load)

Dead Load: 10 psf Roof Live Load: 20 psf

Components and cladding, design wind pressures + 38psf/-38psf

Design in accordance with the National Design specification for wood construction, with loading in accordance with the Florida Building Code. All graded structural lumber shall be pressure treated and meet the following minimum requirements:

Minimum bending stress = 1250 psi (No. 1 Dense So. Pine)

Young Modulus = 1600 ksi

Maximum of 15% moisture content

Contractor may use Southern Yellow Pine No. 1 or U.O.N.

Lumber sizes shown are nominal sizes. Lumber shall be furnished in finished sizes meeting the requirement of the American Softwood Lumber Standard.

Design Standards

Structural Aluminum:

Conform to latest edition of Aluminum Association of Florida standard practice for aluminum design.

All aluminum shall be 6061-T6 (E=10,000 ksi; Fy = 35 ksi)

Concrete

Conform to ACI 318, latest edition and ACI 301

Compressive Ultimate Strength (Minimum at 28 days) shall be 3,000 psi

Exposed chamfer edges shall be 3/4"

Reinforcing Steel:

Conform to ACI 318 and 315, Latest edition All reinforcement steel shall be ASTM A615 Grade 60. Min footing cover 3" Smooth dowels & ties shall be ASTM A185

Structural Steel:

Conform to latest edition of AISC "Specification for structural steel building" and AISC "Code of standard practice for steel buildings and bridges".

All structural steel shall be ASTM A36, (E=29,000 ksi; Fy = 36 ksi) Splicing prohibited without prior approval as to location and type. Burning of holes in steel members is prohibited. Any member with burned holes must be replaced.

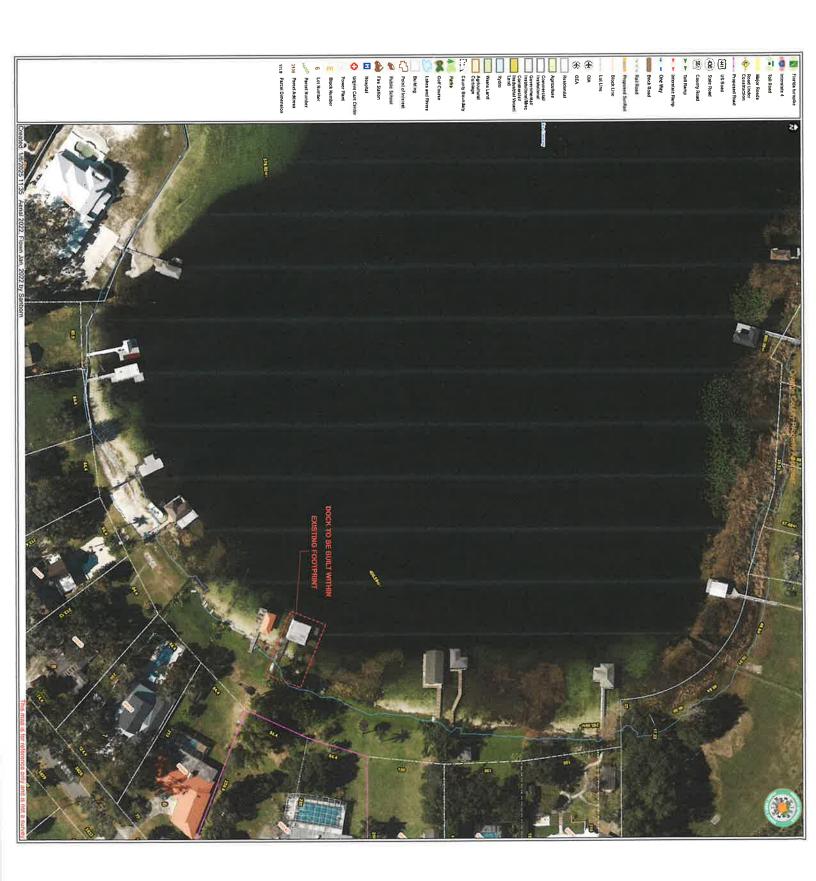
Welding:

Conformed to "code for welding in building construction" by the American Welding Society, latest edition.

Steel Weld IAW AWS D1.1 (latest edition) –E70XX electrodes Aluminum Weld IAW AWS D1.2 (lasts edition)-Filler Alloy 5356 or equal.

Connection welds to be sized for forces and reactions indicated. All steel welds shall be E70XX low hydrogen, 250 degrees min. Welds shall be full penetration welds at all points of contact

<u>Screws:</u> Use 3-6d Nails or 2-3" deck screws per T&G to secure to roof trusses.



LETTER OF CONCURRENCE FOR SETBACK WAIVER

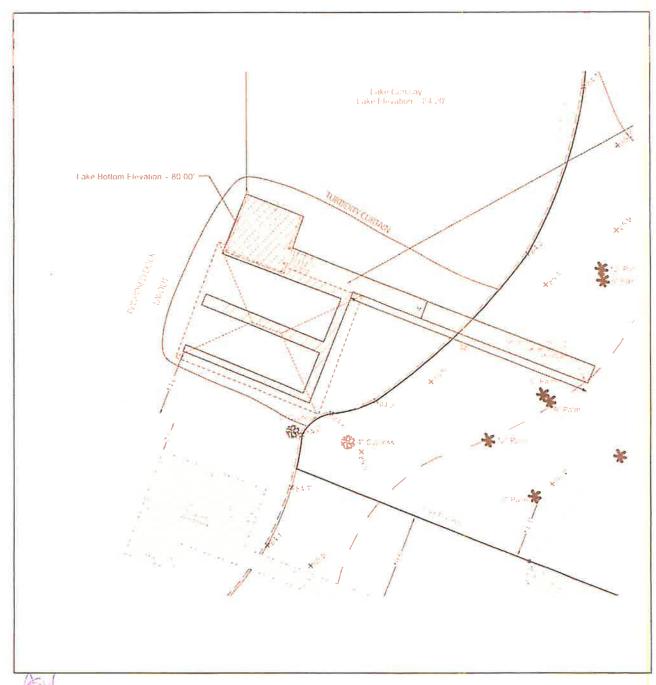
TO:	Paul Kuck	_(owner/applicant)
	5724 Cove Dr.	(address of project)
	Belle Isle, FL 32812	=
File N	o.:	
FROM	n:John Giles	(adjacent property owner)
111011	5820 Cove Dr.	adjacont property owner)
	Belle Isle, FL 32812	_
Sectio	on 18-21.004(3)(d), Florida Administrative Code	e, provides:
br fe be re fro rip ac sh pr ar fro	ecept as provided herein, all struct reakwaters, jetties and groins, and activities et inside the applicant's riparian rights line set back a minimum of 10 feet. Excessidential single-family docks or piers associated and lines less than 65 feet, where portions of the arian lines less than 65 feet apart, or white a single-family parcels; utility lines; the coreline protection structures located along eviously authorized by the Board; structures by requirement for Board authorization; where the affected adjacent upland riparian at locating any portion of the structure of the stru	tures, including mooring pilings, es must be set back a minimum of 25 mes. Marginal docks, however, must ptions to the setbacks are: private ated with a parcel that has a shoreline of such structures are located between mere such structure is shared by two bulkheads, seawalls, riprap or similar the shoreline; structures and activities and activities built or occurring prior to maletter of concurrence is obtained owner; or when the Board determines or activity within the setback area is
south South the at the ap being rights locate	least / west) of the facility or activity production (the applicant), tached drawing). I understand that the subsplicant's riparian rights area, and I do not located within the area required as a set line, as required by Chapter 18-21.004(3)(upland riparian property located to the (north approach to be constructed or conducted by as shown in the above referenced file (and on object project will be located entirely within object to the proposed structure or activity thack distance from the common ripariand), F.A.C. This file shows the structure will be a area and within 13 feet of the common
	Cha Oli	26 laly 3024
	(Original signature of adjacent owner)	(Date signed)
	JOHN E. GILES	
	(Printed name of adjacent owner)	

This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.

TO: Paul Kuck

LETTER OF CONCURRENCE FOR SETBACK WAIVER

PAGE 2 – DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION



(Initials of adjacent owner)

21- July 2024 (Date)



Prepared by Paula Williams, an employee of First American Title Insurance Company 7575 Dr. Phillips Blvd, Suite 140 Orlando, Florida 32819 (407)615-8550

Return to: Grantee

File No.: 13957-2786938

12/04/2023 12:32 PM Page 1 of 3

Rec Fee: \$27.00

Deed Doc Tax: \$1,691.90 Mortgage Doc Tax: \$0.00 Intangible Tax: \$0.00 Phil Diamond, Comptroller Orange County, FL

DOC # 20230697132

Ret To: ERECORDING PARTNERS NETWORK

TRUSTEE'S DEED

THIS INDENTURE, executed on **November 30, 2023**, between

Kimberly S. Cheslock, unmarried, Individually and as Trustee of the Cheslock Family Trust, dated October 25, 2022

whose mailing address is: 12820 83rd St, Fellsmere, FL 32948-5661, party of the first part, and

Paul Kuck, a married man

whose mailing address is: 3525 Edlingham Ct, Orlando, FL 32812. party of the second part,

WITNESSETH: The party of the first part, for and in consideration of the sum of \$10.00 and other good and valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, release, convey and confirm to the party of the second part, their heirs and assigns, all that certain land situate in **Orange** County, **Florida**, to-wit:

Lot 5 of CONWAY GARDENS, according to the Plat thereof, recorded in Plat Book R, Page 18, Public Records of Orange County, Florida. Also, the land lying between the prolongation of the side lines of said lot to the waters of Lake Conway, together with that property beginning at the point on the North line of Lot 5, CONWAY GARDENS, according to the Plat thereof recorded in Plat Book R, Page 18, Public Records of Orange County, Florida, situated 235 feet North 78 Degrees 06' 16" West of the Northeast comer of said Lot 5 (said point being the original ordinary high water mark of Lake Conway) running North 78 Degrees 06' 16" West along a prolongation of the North line of said Lot 5 a distance of 68 feet more or less to the 86.4 foot elevation contour line as designated by the Trustees of the Internal Improvement Fund of the State of Florida; thence Southerly along said contour line 72.3 feet more or less to point of intersection with prolongation of the Southerly line of said Lot 5; thence South 68 Degrees 38' 41" East along the prolongation of the Southerly line of Lot 5, a distance of 67.8 feet more or less to a point on the Southerly line of said Lot 5, a distance of 230.6 feet North 68 Degrees 38' 41" West of the Southeast comer of said Lot 5; thence Northerly along the original ordinary highwater mark of Lake Conway to the point of beginning. Lying and being in Section 20, Township 23 South, Range 30 East, Orange County, Florida. AND: Lot 4 of CONWAY GARDENS, according to the Plat thereof, recorded in Plat Book R, Page 18, Public Records of Orange Comity, Florida. Also the land lying between the prolongation of the side lines of said lot to the waters of Lake Conway.

Parcel Identification Number: 20-23-30-1660-00-040

20230697132 Page 2 of 3

The land is not the homestead of the Grantor under the laws and constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

SUBJECT to covenants, restrictions, easements of record and taxes for the current year.

TRUSTEE, Kimberly S. Cheslock, has full power to sell, transfer, mortgage said real estate.

TOGETHER WITH all singular the tenements, hereditaments and appurtenances belonging to or in anywise appertaining to that real property.

AND the party of the first part does covenant to and with the party of the second part, their heirs and assigns, that in all things preliminary to and in and about the sale and this conveyance the Laws of Florida have been followed and complied with in all respects.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hand(s) and seal(s) the day and year first above written.

The Cheslock Family Trust, dated October 25, 2022

Kimberly S. Cheslock, Individually and as Trustee

Signed, sealed and delivered in the presence of these witnesses:

Witness Signature

Print Name: Paula Williams

Witness Signature

Print Name:

20230697132 Page 3 of 3

State of County of Own S	المسادة
The Foregoing Instrument Was Acknowledged before me by online notarization, on 112923, by Kimberly Trustee of the Cheslock Family Trust, dated October 25, 202	S. Cheslock, Individually and as
Paula Williams (Printed Name)	PAULA WILLIAMS Notary Public - State of Florida Commission # HH 281307 My Comm. Expires Jul 17, 2026 Bonded through National Notary Assn.
My Commission expires: Personally Known □ OR Produced Identification □ Type of Identification Produced a valid driver's license	{Notarial Seal}

Property Record - 20-23-30-1660-00-040

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

Property Summary as of 01/02/2025

Property Name

5724 Cove Dr

Names

Kuck Paul

Municipality

BI - Belle Isle

Property Use

0130 - Sfr - Lake Front

Mailing Address

3525 Edlingham Ct Belle Isle, FL 32812-2119

Physical Address

5724 Cove Dr Belle Isle, FL 32812

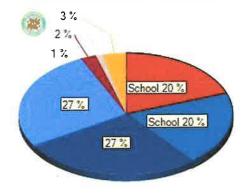




5724 COVE DR, BELLE ISLE, FL 32812 4/30/2024 12:34 PM



302320166000040 09/28/2006





5724 COVE DR, ORLANDO, FL 32812 7/17/2018 2:57 PM



Value and Taxes

Historical Value and Tax Benefits

Tax Year	Values	Land	F	Building(s)]	Feature(s)	Market Value	Assessed	l Value
2024	MKT	\$790,900	+	\$338,081	+	\$64,800 = \$	51,193,781 (8.5%)	\$1,193,781	(8.5%)
2023	MKT	\$719,000	+	\$316,339	+	\$64,800 = \$	51,100,139 (11%)	\$1,100,139	(11%)
2022	MKT	\$654,000	+	\$268,739	+	\$64,800 =	\$987,539 (13%)	\$987,539	(37%)
2021	MKT	\$545,000	+	\$260,861	+	\$64,800 =	\$870,661	\$721,342	

Tax Ye	ar Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH Cap	Tax Savings
2024	✓	n/a	n/a	n/a	n/a	\$0
2023	~	n/a	n/a	n/a	n/a	\$0
2022	~	n/a	n/a	n/a	n/a	\$0
2021	✓ \$ HX CAP	\$25,000	\$25,000	\$5,500	\$149,319	\$3,227

2024 Taxable Value and Certified Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	\$1,193,781	\$0	\$1,193,781	3.2160 (1.36%)	\$3,839.20	20%
Public Schools: By Local Board	\$1,193,781	\$0	\$1,193,781	3.2480 (0.00%)	\$3,877.40	20%
Orange County (General)	\$1,193,781	\$0	\$1,193,781	4.4347 (0.00%)	\$5,294.06	27%
City Of Belle Isle	\$1,193,781	\$0	\$1,193,781	4.4018 (0.00%)	\$5,254.79	27%
Library - Operating Budget	\$1,193,781	\$0	\$1,193,781	0.3748 (0.00%)	\$447.43	2%
St Johns Water Management District	\$1,193,781	\$0	\$1,193,781	0.1793 (0.00%)	\$214.04	1%
Lake Conway Mstu	\$1,193,781	\$0	\$1,193,781	0.5750 (0.00%)	\$686.42	3%
•			,	16.4296	\$19,613.34	

2024 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF BELLE ISLE	BELLE ISLE STRM - DRAINAGE - (407)851-7730	1.00	\$140.00	\$140.00
CITY OF BELLE ISLE	BELLE ISLE RES - GARBAGE - (407)851-7730	1.00	\$305.40	\$305.40
				\$445.40

Tax Savings

2025 Estimated Gross Tax Total:		\$20,059.55
Your property taxes without exemptions would be		\$19,614.15
Your ad-valorem property tax with exemptions is	_	\$19,614.15
Providing You A Savings Of	=	\$0.00

Property Features

Property Description

CONWAY GARDENS R/18 LOTS 4 & 5 & LAND TO 86.4 FT CONTOUR LIN E

Total Land Area

47,995 sqft (+/-)

1.10 acres (+/-)

Conc/Cindr

Plastered

GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0130 - Sfr - Lake Front	BI-R-1-AA	1 Units	\$790,900.00	\$790,900	\$0.00	\$0

Buildings

Model Code	1 - Single Fam Residence	Subarea Description	Sqft	Value
Type Code	0103 - Single Fam Class Iii	BAS - Base Area	2178	working
Building Value	working	BAS - Base Area	728	working
Estimated New Cost	working	FEP - Finished E	638	working
Actual Year Built	1956	FGR - Finished G	506	working
Beds	7	UST - Unfinished	225	working
Baths	2.5	UOP - Unfinished	209	working
Floors	1	FOP - Finished O	308	working
Gross Area	4792 sqft			manufaci tudulisha
Living Area	3544 sqft	A Company of the Comp	19	2



Extra Features

Exterior Wall

Interior Wall

Description	Date Built	Units	Unit Price	XFOB Value
BC3 - Boat Cover 3	01/01/1956	1 Unit(s)	\$6,000.00	\$6,000
FPL2 - Fireplace 2	01/01/1979	2 Unit(s)	\$2,500.00	\$5,000
PL3 - Pool 3	01/01/1956	1 Unit(s)	\$38,000.00	\$22,800
SCR3 - Scrn Enc 3	01/01/1956	1 Unit(s)	\$10,000.00	\$20,000
BD3 - Boat Dock 3	01/01/1997	1 Unit(s)	\$10,000.00	\$10,000
SCR1 - Sern Enc 1	01/01/2001	1 Unit(s)	\$2,000.00	\$1,000

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
11/30/2023	\$1,208,400	20230697131	1	Warranty Deed			Improved
11/29/2023	\$241,700	20230697132	/	Trustees Deed			Improved
06/13/2023	\$0	20230334555	/	Special Warranty Deed	[Improved
05/20/2022	\$100	20220324079	/	Personal			Improved
				Representatives Deed			

Services for Location

TPP Accounts At Location

Account Market Value Taxable Value Business Name(s) Business Address

There are no TPP Accounts associated with this parcel.

Schools

Conway (Middle School)

Shenandoah (Elementary)

Oak Ridge (High School)

Utilities/Services

Electric Duke Energy

Water Orange County

Recycling (Friday, Tuesday)

Belle Isle

Trash (Friday, Tuesday)

Belle Isle

Yard Waste (Monday) Belle Isle

Elected Officials

State Representative Anna Eskamani County Commissioner Mayra Uribe

School Board Representative Alicia Farrant
State Senate Linda Stewart

State Senate Linda Stewart US Representative Darren Soto

Orange County Property

Appraiser Amy Mercado