

CITY OF BELLE ISLE, FLORIDA

1600 Nela Avenue Belle Isle, Florida 32809 (407) 851-7730 • FAX (407) 240-2222 www.cityofbelleislefl.org

August 2, 2018

Nancy Conicella, Esquire 450 S. Orange Ave, Ste. 200 Orlando, FL 32801

Re: 6820 Seminole Drive Variance Application Denied by the Planning and Zoning Board

Dear Ms. Conicella,

This letter is to confirm that the Planning and Zoning Board denied your application for a variance (Case #2018-06-016) for 6820 Seminole Drive, Belle Isle, Florida at their meeting held on July 24, 2018.

At the July 24, 2018 Planning and Zoning Board meeting, the Board specifically denied the variance request below:

Variance from Sec. 54-2 (a), - Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet.

The Board based this denial on the variance request not meeting all of the criteria required in the land development code of Belle Isle. The land development code provides in Sec. 42-64 (1) h. that unless all criteria are met, a variance should not be approved. The Board concurred with the staff report and recommendation to not approve the request based on not meeting the criteria of special conditions/circumstances and of being self-created.

Please contact me if you would like to discuss this further.

Sincerely,

Bob Francis, ICMA-Q

City Manager





July 10, 2018

Variance Application: 6820 Seminole Drive, Parcel # 29-23-30-4389-02-040

Applicant Request: Variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet.

Existing Zoning/Use: R-1-AA/ single-family home

Review Comments

This variance application seeks relief from the requirements of Sec. 54-2 (a) that requires aggregation of substandard lots that were lots of record under single ownership on or after October 7, 1957. The two lots in question are currently developed as one property with a single-family house constructed across the two lots.

This application is seeking to redevelop the property as two individual single-family lots under each original lot's historical configuration. Each lot originally had a lot width of 70.06 feet, which is less than the required 85 feet in the current land development code for R-1-AA. This request requires a variance from the provisions of Sec. 54- 2 (a) and Sec. 50-73 to accommodate the redevelopment as proposed. If approved, the applicant could then seek a lot split to return each lot to individual development rights.

The applicant has provided information supporting the variance request in the attached letter and documentation.

The same request for this property was heard by the Planning and Zoning Board at the January 24, 2017 meeting and approved by the Board. Since that time, no development related to the approved variance commenced, therefore the variance approval expired.

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 parcel has already been aggregated and developed as one parcel with a single-family house on it. There are no special conditions or circumstances that restrict the property, as aggregated, and meeting the current land development code, from being used as a single-family property as currently configured.

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

The request for a variance is self-created as the application is seeking to deviate from code requirements for minimum required lot width so that a house may be built on each lot that currently makes up one parcel.

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

The requested variance is the minimum possible variance to make reasonable use of the land and building as each lot is shown and historically platted at 70.06 feet in width.

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

The requested variance could be construed to be in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood as it could provide a development transition from 3 abutting lots zoned R-2 on the west that require a minimum lot width of 60 feet and would be consistent with abutting individual lots that are 70 feet in width.

Staff provides a recommendation to not approve the request based on not meeting the criteria of special conditions/ circumstances and of being self-created. The land development code provides in Sec. 42-64 (1) h. that unless all criteria are met, a variance should not be approved.

NOTICE OF PUBLIC MEETING

JULY 24, 2018 - 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 5 MEMORANDUM

TO: Planning and Zoning Board

DATE: July 24, 2018

PUBLIC HEARING CASE #2018-07-015 - Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a) Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet, submitted by applicant Nancy Conicella, Esquire, for the property located at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-02-040.

Background:

- 1. On November 29, 2016, Daryl M. Carter submitted the application, fee, and required paperwork.
- The variance granted (Case No. 2016-12-001) at the January 24, 2017 Planning & Zoning Board meeting for 6820 Seminole Drive, Belle Isle, FL has expired and is void due to development permits not being pulled within the required timeframe of the variance granted.
- 3. On June 7, 2018, the applicant Nancy Conicella re-submitted the application, fee, and required paperwork.
- 4. A Notice of Public Hearing legal advertisement was placed in the Saturday, July 14, 2018, Orlando Sentinel.
- 5. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, July 12, 2018.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing.

The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

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NOTICE OF PUBLIC MEETING

JULY 24, 2018 ~ 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

Applicant Nancy Conicella - Case No. 2018-07-015

SAMPLE MOTION TO APPROVE:

"I move, the criteria of Chapter 42, Article III, Section 42-64(1) of the Belle Isle Land Development Code having been met to approve this request a variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet on the property described as 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-02-040.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code, Chapter 42, Article III, Section 42-64(1), having NOT been met; *luse only if NONE of the justifying criteria have been met]* the requirements of section 42-64(1) Subsections: *Istate only the subsections below that are NOT SATISFIED!* having NOT been met; *[may be used in addition to above or alone]* to deny this request for a variance from Sec. 54-2 (a). Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet on the property described as 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-02-040.

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 Isle1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

| APPLICATION FOR VARIAN | CE / SPECIAL EXCEPTION |
|---|--|
| DATE: JUNCY, 2018 | P&Z CASE #: 2018-07-015 |
| XVARIANCE - SPECIAL EXCEPTION - OTHER | DATE OF HEARING: JUNE 26, 2018 |
| APPLICANT: Nancy Conicella, 559. | OWNER: 6806 Seminale LLC |
| ADDRESS: 450 S. OVANGE AVE. St. 200 | 6413 Pinecastle Blvd. Stc 3 |
| Orlando, FL 32801 | Orlando, FL 32809-6694 |
| PHONE: (407) 418 - 6257 | |
| PARCEL TAX ID #: 24-23-30-4384-02 | - 040 |
| LAND USE CLASSIFICATION: Low Density ZONI | |
| DETAILED VARIANCE REQUEST: The applicant is | s seeking a variance from the |
| 851 minimum lot width requirement of | |
| The applicant desices to split the lot, w | which would result in lot midths |
| of 70.06. This variance was approve | d in 2017, but has since expired. |
| SECTION OF CODE VARIANCE REQUESTED ON: _5ect | ion 50-73-site and building requirement |
| The applicant hereby states that the property for which this herefore the Planning and Zoning Board of the kind and type recorder to the filing of the application. Further that the requested in | juested in the application within a period of nine (9) months |
| By submitting the application, I authorize City of Belle Isle property, during reasonable hours, to inspect the area of my pro- | employees and members of the P&Z Board to enter my operty to which the application applies. |
| Applicant shall provide a minimum of ten (10) sets of three (3 east one (1) photograph of the front of the property and at learned of the property to which the application applies. | p) photographs in support of this application as follows: at ast two photographs (from different angles) of the specific |
| APPLICANT'S SIGNATURE OW | MILM (XIII) |
| OR OFFICE USE ONLY: FEE: \$150.00 Pato Paid | Check/Cash Rec'd By |
| Determination | |
| ppealed to City Council: □ Yes □No Council Action | : |



NANCY CONICELLA, ESQ.

nancy.conicella@lowndes-law.com 450 S. Orange Avenue, Suite 200, Orlando, Florida 32801-3385 T: 407-418-6257 | F: 407-843-4444 MAIN NUMBER: 407-843-4600

TIT MERITAS LAW FIRMS WORLDWIDE

June 6, 2018

Ms. April Fisher Planner City of Belle Isle 1600 Nela Avenue Orlando, Florida 32802

Re:

Application for Variance from Minimum Lot Width Requirements in R-1-AA for Property Located at 6820 Seminole Drive (the "Property")

Dear Ms. Fisher:

Please accept this letter as a part of the submittal package for the above-referenced variance request (the "Request"). The Property is part of a subdivision that was platted in 1922, and as originally platted, the Property consisted of two lots: Lot 4 and Lot 5 of the Lake Conway Park Plat, as recorded in Plat Book G, Page 138, in the Public Records of Orange County, Florida. Each lot had a 70.06-foot width, which is consistent with the majority of the other lots in the plat. A prior owner combined the two lots, but never built on the combined lot. In 2017, the then-owner of the Property obtained a variance to return the Property to its originally platted dimensions.

This Request follows the 2017 variance approval, which has since expired. At the time that the current owner acquired the Property, however, the variance had been approved and was in effect. Thus, the owner was induced to purchase the Property based on the variance approval. The owner desires to split the lot into two lots, resulting in lot widths of approximately 70.06 feet each. The applicant is therefore seeking a variance from the 85-foot minimum lot width requirement of the R-1-AA zoning district.

The Request is consistent with the surrounding area. Most immediately adjacent lots located to the east, west, and north of the Property are non-conforming in terms of size. Additionally, some immediately adjacent lots are non-conforming in terms of side setbacks, front setbacks, and/or rear setbacks. The Property is under-utilized as a single parcel, and should instead be split into two lots. The owner intends to construct a single-family residence on each of the two lots, which will add value to the City both aesthetically, and by increasing the tax base. The Request is the minimum possible variance that would make reasonable use of the land, as each lot was historically platted with a 70.06-foot lot width.

seven formules favorsom

| Ms. April Fisher | |
|------------------|--|
| June 6, 2018 | |
| Page 2 | |

The attached aerial illustrates the trend of the immediately adjacent lots. The attached application is the owner's Request for a variance from Section 50-73 of the City's Code. Please feel free to contact me with any questions.

Best regards,

Nancy Conicella

NC/NC Attachments













