CITY OF BELLE ISLE, Florida



Planning and Zoning: Staff Report

August 15, 2024

Variance Request:

1633 Wind Drift Road

Application Request: Public Hearing #2024-06-008 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (1), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030.

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

Background

The applicant seeks to build a detached metal garage in the rear yard.

Section 50-102 (A) (1) defines a garage as: buildings which are detached from the principal building and are designed or used for the purpose of parking and/or storing motor vehicles, boats, and/or recreational vehicles, and related items, and are architecturally similar to the principal building and of like materials.

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 literal enforcement of the code does not result in an unnecessary hardship nor are there any physical or topographic special conditions and circumstances peculiar to the land. The existing principal building accommodates an attached two-car garage.

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

According to the applicant's Narrative Letter, the request to build a garage with architectural materials different than those of the principal building is a personal hardship. A personal hardship is not an allowable basis for granting a variance approval. A hardship results from the conditions of the property.

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

The variance request makes reasonable use of the land as the proposed structure meets all other zoning requirements for a detached garage.

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

The structure's purpose is to store the property owner's motor vehicles. The homeowner intends to utilize the existing driveway to access the detached garage. City Staff reviewed and found no other existing detached garages in the neighborhood. The proposed variance request is not in harmony with the purpose and intent of the land development code.

Based on the variance criteria of sections 42-64 (d), (e) and (g), Staff recommends that the Board not approve the requested variance to build a detached garage architecturally different from the principal building with unlike materials as there are no special conditions or circumstances of the land, the request is a self-created hardship, and does not meet the purpose and intent of the city code.

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.

MEMORANDUM

TO: Planning and Zoning Board

DATE: August 27, 2024 (Rescheduled from June 25, 2024)

RE: Variance Application – 1633 WIND DRIFT ROAD

PUBLIC HEARING #2024-06-008 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (1), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030.

Background:

- 1. On June 5, 2024, the applicant submitted a variance application and the required paperwork.
- Letters to the abutting property owners were mailed within 300 feet of the subject property on June 14, 2024.
- 3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on June 15, 2024.
- 4. The meeting on June 25, 2024, was canceled, and the hearing was rescheduled to August 27, 2024.
- Letters to the abutting property owners were mailed within 300 feet of the subject property on August 13, 2024.
- 6. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on August 17, 2024.

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 42-64 AND 50-102 (A) (1), TO APPROVE A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE CODE CODE 42-64 AND 50-102 (A) (1),, HAVING NOT BEEN MET, TO DENY [use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone] A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030...

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.





À

.

90

. . .

246

ē



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809 Tei 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

Variance and Special Exception Application		
City Code Chapter 42, Art. II, Sec. 41-61 thru	J 41-72 AND Sec 42-64 Land Development Code	
APPLICANT DAVID SMITH A1	OWNERDAVID SMITH A1	
1833 Wind Drift rd Bille Isk	PROJET ADDITIE	
CONTACT NUMBER 4074894185	OWNER'S SOLASTIVE BER	
EMAILAISEPT @ AOI. CEM	OWNER'S SAAME	
PARCEL ID= 30-23-30-0604-01-030		
LAND USE CLASSIFICATION 0/00 S: AS/Z	ZONING DISTRICT L1-AA	
DETAILED VARIANCE REQUEST SEE AHAC	102 A1 4	
 The applicant hereby states that the property for which the before the Planning and Zoning Board of the kind and types requested user does not violate any deed restriction of the By applying, I authorize City of Belle Isle employees and during reasonable hours to inspect the area to which the attraction that the applicant shall provide a minimum of ten (10) sets of the follows: at least one (1) picture of the front of the propert specific area of the property to which the application applies 	is hearing is requested has not been the subject of a hearing requested in the application within nine (9) months. Further, the property members of the P&Z Board to enter my property pplication applies. Three (3) photographs in support of this application as y and at least two photos (from different angles) of the es.	
APPLICANTS SIGNATURE	OWNERS SIGNATURE	
VARIANCE SPECIAL OTHER	2024-06-65 DATE OF HEAPING	

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 cierk 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 [2] diagraf to is section of the criteria set forth in this section. Upon submission of the properly completed and cation and the appropriate fee, the city manager or the city manager's designee shall refer the application to the poerci.

- Notice of output chearing for the variance shall be given as required by the endors for heaving before the opens.
- c. The public hearing on the addition for the variance shall be hald. The additionally, the additional's agent as exidenced dy a signed writing on the additionals attorney shall appear percretine board.
- It is determined that iteral enforcement of the orbitishes of the zoning orbinances would head the unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or our diagram and including but not limited to dimensions topographor soil conditions
- e. It has been determined that persons in a truling is not being considered as grount; if on a veriance since the variance will continue to affect the chainst arrow in helianborhood after the to the property has passed and that the special conditions and circumstances tirefeing created in order to crown whiche Lahi:



City of Belle Isle 1600 Nela Avenue, Belle Isle, FL 32809 Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov Variance and Special Exception Application

Development Code or for the purpose of obtaining a variance.

- f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.
- h. The board shall find that the preceding requirements have been met by the applicant for a variance.

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

(2) Violations of conditions.

 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.

Applications submitted must meet all of the above criteria before the Board can grant a variance. The burden of proof is on the applicant to comply with the criteria.

A special exception addresses the compatibility of uses, differing slightly from a variance. The approval of a special exception depends on how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

- A written application for a special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
- 2. The Board shall find that it is empowered under the section of the zoning ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest.
- 3. It is determined that public health, safety, comfort, order, convenience, prosperity, morals, or general welfare is promoted, protected, or improved.

General Information

- 1. Certain conditions may be prescribed on the special exception or variance approved by the Board.
- 2. The applicant must be present at all hearings.
- 3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period allows all aggrieved parties to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where they feel the Planning and Zoning Board erred in their decision. Belle Isle's City Council will then hold an appeal hearing.
- 4. Sec 42-61 thru 41-72 Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

FOR OFFICE USE ONLY: FEE: \$300	6/5/24	0957805	453	
	Date Paid	Check/Cash	Rec'd By	

Variance Request David Smith

1633 Wind drift Rd. Belle Isle Fl 32809

I am hereby requesting a variance to replace and build a new larger detached building/garage. Because of the direction of my existing garage I am not able to build onto my home as it is. My existing garage does not face the street or driveway. I am requesting permission to build detached so I can place me antique collectible cars inside new garage.

Dave Smith A1 Septic

NARRATIVE:

1633 Wind Drift rd. Belle Isle, 32809

Special condition:

Extending or building onto my existing garage is not possible because my existing garage does not face the driveway or street. When pulling into my driveway I must turn right at 90 degrees to enter my garage. This building meets other zoning requirement for a detached garage. I already have a metal building in same location, 12W x18L x10.6H and want to remove it and replace with bigger one 16W x 32L x 14H to park cars.. A metal building similar to what I what to add was just approved by the city of Belle Isle on Indian dr.

Special condition:

My home is in the original condition as built. The home is in same built as it was built in 1978 so no changes were made by owner to cause this hardship. Since the home was built so many years ago it makes it difficult to add on to existing, so detached is only option.

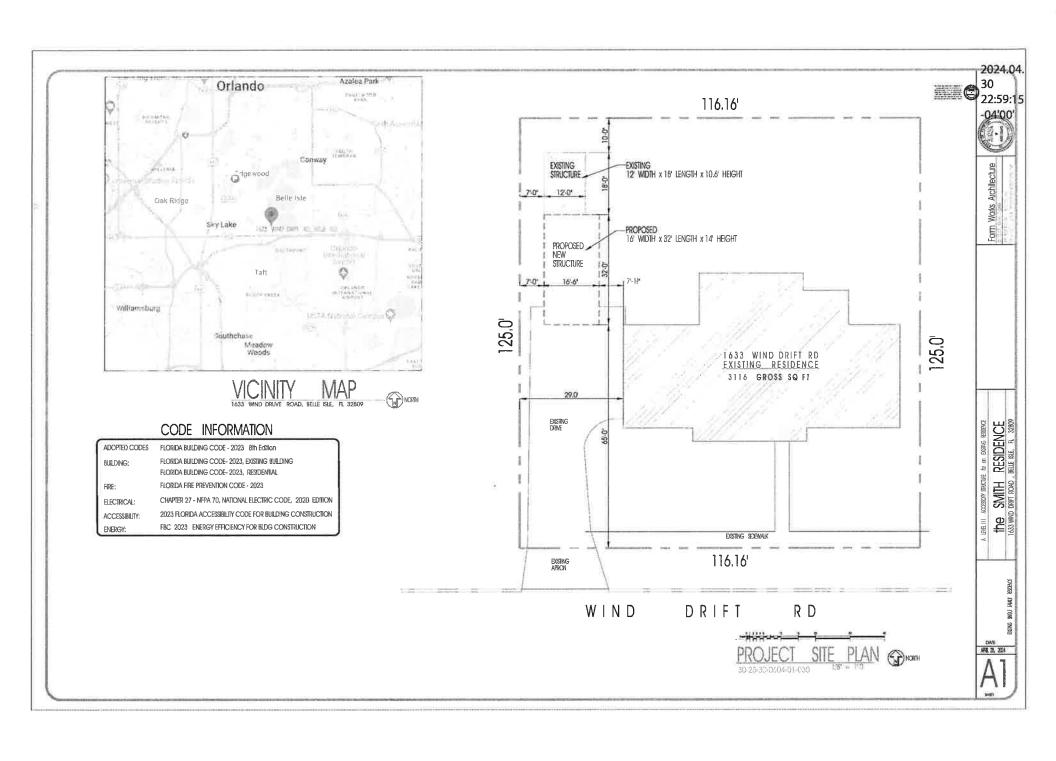
MINIMUM:

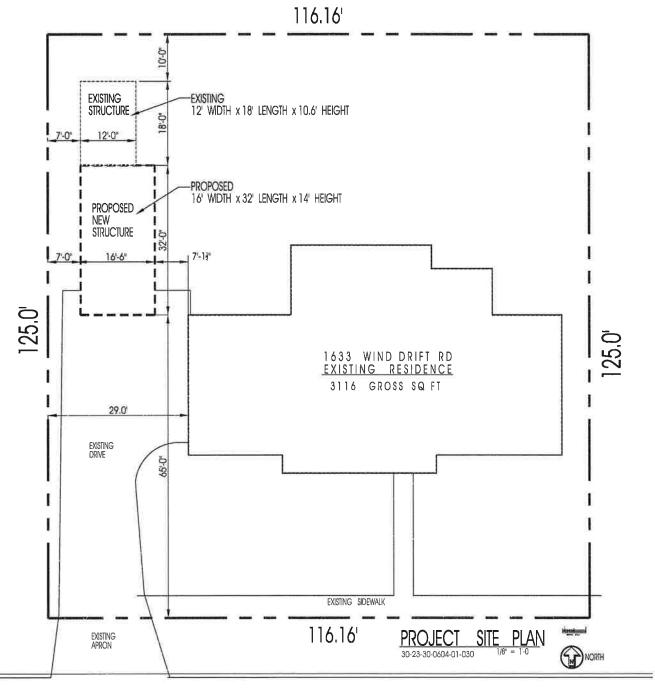
I have considered other options, but none will work for the following reasons. Adding on to existing garage would be cheaper but not possible because my existing garage is at a 90 degree angle to my driveway. Adding on would be nice but not feasible because cannot drive-up driveway then turn 90 degrees into existing garage if it was bigger.

PURPOSE & INTENT

The property to my west is a 2-story house so it will have no effects as far as, adequate light, air or any other reason. The property to my east is on the opposite end of the proposed addition, so should not have any effects. Building this addition will have no impact on traffic or pedestrian safety.

8	Date	
David Smith		





WIND DRIFT RD

This Instrument Prepared By and Should be Returned To:

Robert L. Harding, Esq. Railey & Harding, P.A. 20 North Eola Drive Orlando, Florida 32801

DOC# 20110251455 B: 10215 P: 1899 05/17/2011 12:49:49 PM Page 1 of 2 Rec Fee: \$18.50 Deed Doc Tax: \$805.90 DOR Admin Fee: \$0.00 Intangible Tax: \$0.00 Martha O. Haynie, Comptroller Orange County, FL Sa - Ret To: CAROL H CAMPBELL

WARRANTY DEED

THIS WARRANTY DEED is made the day of May, 2011, by HATTIE SESSION, an unremarried widow, whose address is 1633 Wind Drift Rd., Orlando, Florida 32809, as GRANTOR, to DAVID F. SMITH and ELAINE DORIS SMITH, husband and wife, whose address is 4940 Legacy Oaks Drive, Orlando, Florida 32839, as GRANTEE.

WITNESSETH,

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, all that certain land situate in Orange County, Florida, viz:

Lot 3, Block A, Belle Isle Pines, Unit II, according to the map or plat thereof, as recorded in Plat Book 7, Page 2, of the Public Records of Orange County, Florida.

PARCEL I.D. #: 30-23-30-0604-01030

PROPERTY ADDRESS: 1633 Wind Drift Rd., Orlando, FL

32809

The Property is the homestead of the Grantor.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except for real property taxes for the year 2011 and thereafter, not yet due and payable and restrictions, easements, agreements and reservations of record but shall not act to reimpose same.

IN WITNESS WHEREOF, Grantor has set her hand and seal the day and year first above written.

Signed, sealed, and delivered in the presence of:

Print Name

Witness 2

CAROL W. CAMPBELL

Print Name

GRANTOR: Session, by Jham Broots Al attender in fact by Durolle own of attorney that Downless 1620

Hattie Session, by Thelma Brooks, as attorney in fact by Durable Power of Attorney dated December 16, 2010

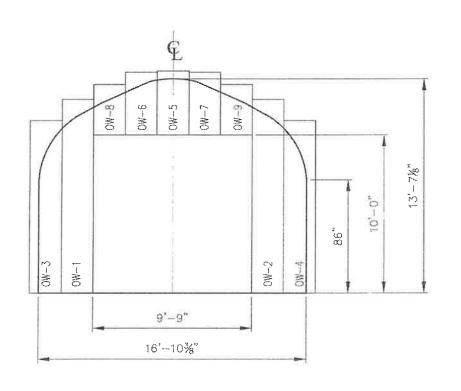
STATE OF FLORIDA COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this day of May, 2011, by Thelma Brooks, as attorney in fact for Hattie Session, by Durable Power of Attorney dated December 16, 2010, who is personally known to me or who has produced FL DRIVERS LICENSE as identification.

(Signature)

NOTARY PUBLIC - STATE OF FLORIDA SERIAL NO.:

CAROL W CAMPBELL
Notary Public - State of Florida
My Commission Expires Oct 27, 2011
Commission # DD 713058
Bonded Tarcugh National Notary Assn.



MODEL: P16-14

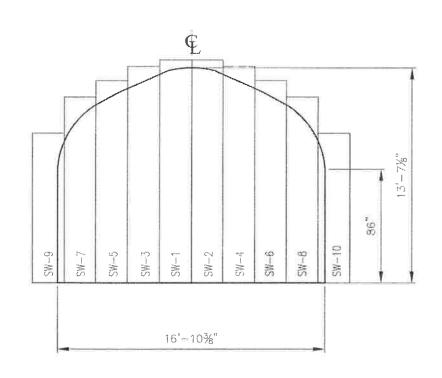
CUST. NAME: DAVE SMITH

ORDER NUMBER: 106016

P16-	14
10'H X 10'W	OPENING
PANEL #	LENGTH
OW1-OW2	147
OW3-OW4	131
ABOVE OPENI	NG PANELS
OW-5	48
OW6-OW7	47
OW8-OW9	38

WALL DETAILS

ONE ENDWALL SOLID & ONE ENDWALI WITH AN OPENING OR OVERHEAD DOO SCALE: NTS SHEET: 6 OF 6

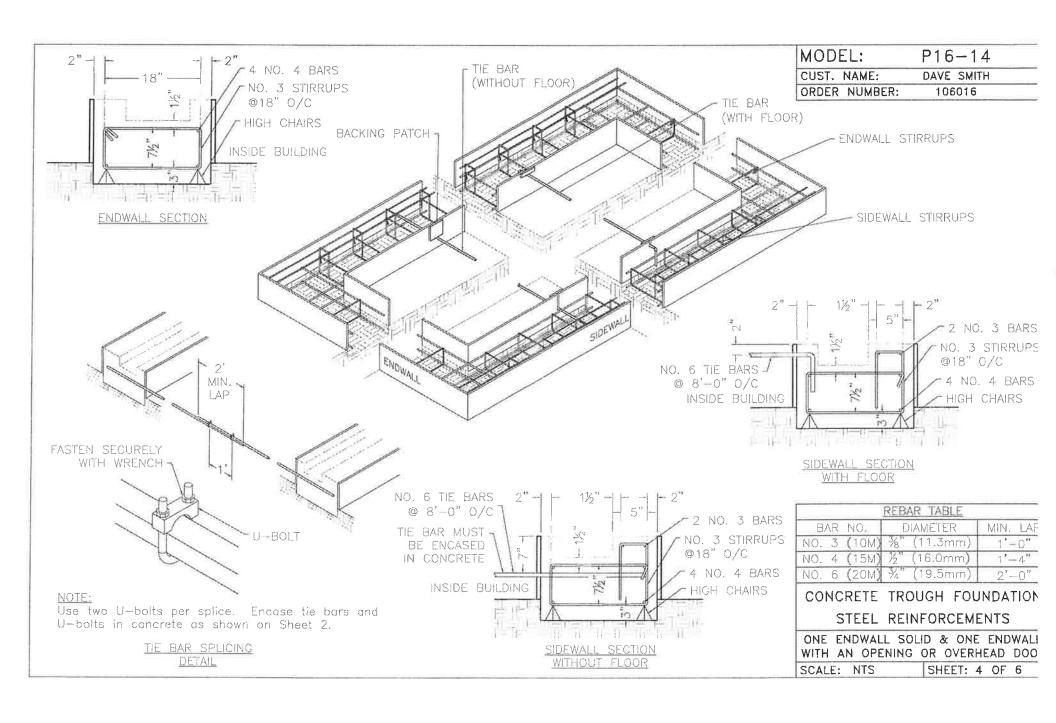


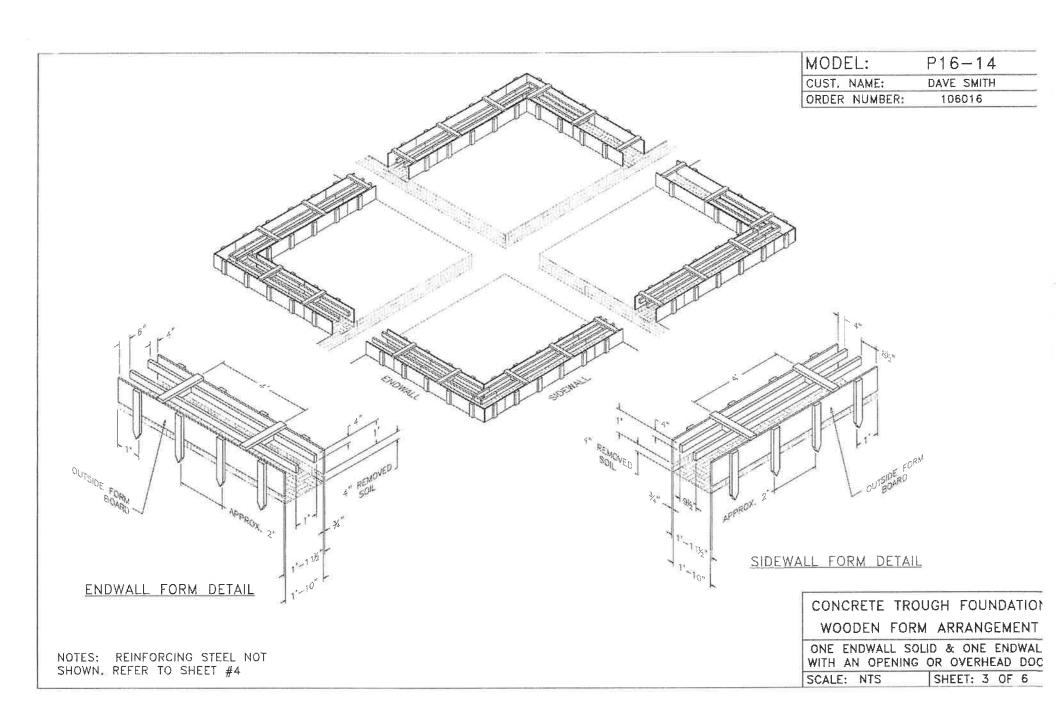
MODEL:	P16-14
CUST. NAME:	DAVE SMITH
ORDER NUMBER:	106016

P16-14 S	P16-14 SOLID	
PANEL #	LENGTH	
SW1-SW2	168	
SW3-SW4	164	
SW5-SW6	153	
SW7-SW8	141	
SW9-SW10	116	

WALL DETAILS

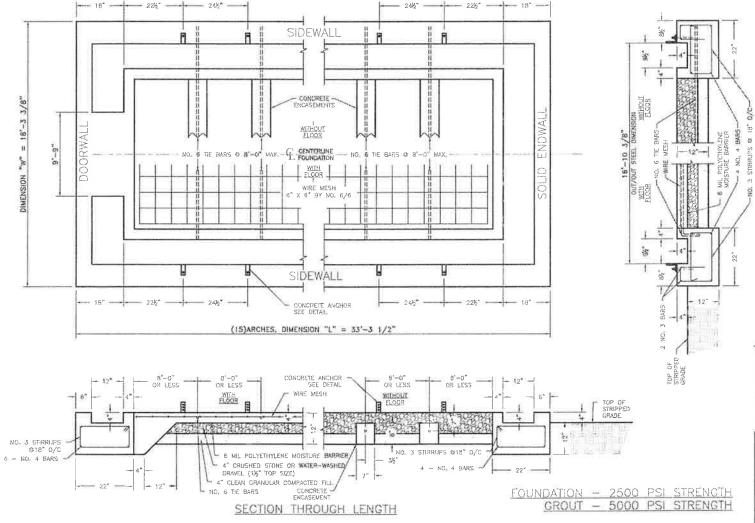
ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOO SCALE: NTS SHEET: 5 OF 6







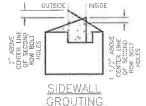
The foundation shown may not conform to your local by-laws and has no warranty as to its sufficiency for your particular area and or application. Retain a registered professional engineer to design a foundation which meets local by-laws and frost level depth requirements (if applicable), is adequate for soil conditions on the site, and conforms to the intended use of the building. The engineer should also be retained to inspect construction to ensure that the foundation is being built in conformity with his design. If the design engineer requires, retain a soils engineering specialist to report on soil conditions and soil compaction values.

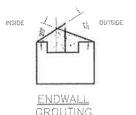


MODEL: P16 - 14CUST. NAME: DAVE SMITH

ORDER NUMBER: 106016 PERFORATED STRAP





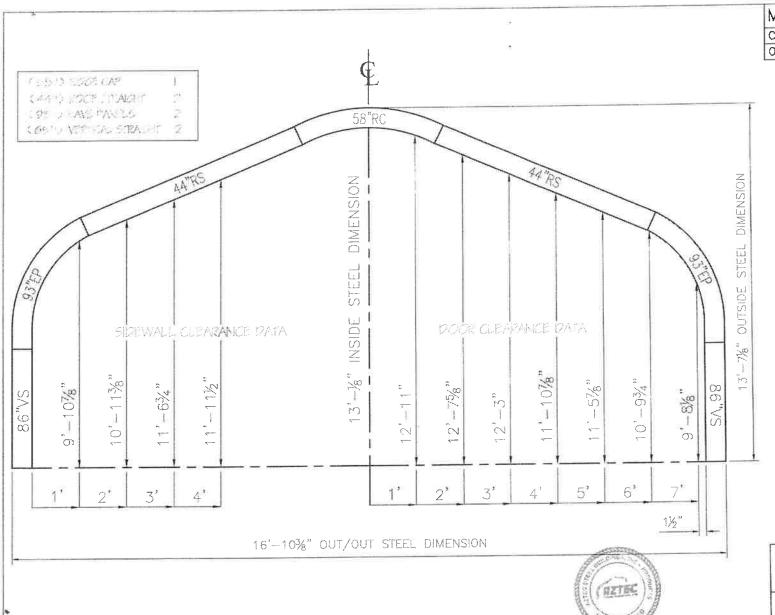


NOTE:

Inside grouting should be higher than outside grouting to prevent water seepage. Concrete grouting procedures must be in accordance with factory specifications to retain structural warranty.

CONCRETE TROUGH FOUNDATION GENERAL ARRANGEMENT

ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOO SCALE: NTS SHEET: 2 OF 6



MODEL: P16-14

CUST. NAME: DAVE SMITH

ORDER NUMBER: 106016

GENERAL NOTES:

- NO LOADS OTHER THAN THOSE GIVEN UNDER "DESIGN DATA" BELOW BE IMPOSED ON THE "STRUCTURE"
- THE FOUNDATION ON THE DRAWING IS A SUGGESTED SOLUTION ONLY, CHANGES MAY BE NECESSARY DUE TO LOCAL BUILDING REGULATIONS.
- 3. THE FOUNDATION SHALL BE FOUNDED ON NATURAL UNDISTURBED SOIL CAPABLE OF SAFELY SUSTAINING 1500 PSF. AND AT LEAST 12 IN. BELOW FINISHED GRADE.
- 4. SLAB ON GRADE SHALL BE PLACED ON SOIL CAPABLE OF SUSTAINING 500 PSF, WITHOUT APPROPRIATE SETTLEMENT.
- 5. BUILDING MUST BE GROUTED INTO TROUGH, INSIDE AND OUT TO MAINTAIN STRUCTURAL INTERGRITY EXCEPT WHEN USING BASE PLATE CONNECTORS.
- 6. CROSS TIES MUST BE INCASED IN CONCRETE WHEN CONCRETE SLAB IS NOT USED 24 1/2"

ARCH DATA:

DESIGN DATA:

STEEL GAGE: 22
50 KSI MIN. YIELD
GALVALUME SHEET STEEL
LIVE LOAD: 75 PSF
ULTIMATE WIND SPEED: 150 MPH

MATERIALS:

- 1. CONCRETE STRENGTH AT 28 DAYS TO BE 2500 PSI
- 2. REINFORCING STEEL TO BE DEFORMED BARS. GRADE 60
- ALL MATERIALS SHALL CONFORM TO THE APPROPRIATE ASTM SPECIFICATIONS.

ARCH PROFILE

ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOO SCALE: NTS SHEET: 1 OF 5