

MEMORANDUM

TO: Planning and Zoning Board
DATE: January 28, 2025
RE: Variance Application – 3316 Flowertree Road

P&Z Case Number 2024-12-012:

PURSUANT TO SECTIONS 50-102 (A) (4) (G), AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A 500-SQUARE-FOOT ACCESSORY BUILDING WITH AN ATTACHED PORCH, CONTRARY TO THE MAXIMUM ALLOWABLE SIZE FOR AN ACCESSORY STRUCTURE PER THE CITY LAND DEVELOPMENT CODE, SUBMITTED BY APPLICANT ALEC EDDINGER C/O DETAILS CONSTRUCTION GROUP, LOCATED AT 3316 FLOWERTREE ROAD, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 29-23-30-1876-01-060.

Background:

1. On December 6, 2024, the applicant submitted a Variance application and the required paperwork.
2. On January 16, 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 January 18, 2025.

The Board may adopt all, some, or none of these determinations as part of its findings of fact and add any additional findings of fact presented at the public hearing. The Board must determine if the criteria outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I MOVE, PURSUANT TO BELLE ISLE CODE 50-102 (A) (4) (G), AND 42-64, TO APPROVE A 500-SQUARE-FOOT ACCESSORY BUILDING WITH AN ATTACHED PORCH, CONTRARY TO THE MAXIMUM ALLOWABLE SIZE FOR AN ACCESSORY STRUCTURE PER THE CITY LAND DEVELOPMENT CODE, SUBMITTED BY APPLICANT ALEC EDDINGER C/O DETAILS CONSTRUCTION GROUP, LOCATED AT 3316 FLOWERTREE ROAD, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 29-23-30-1876-01-060.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE 50-102 (A) (4) (G), AND 42-64, **HAVING NOT BEEN MET, TO DENY** *[use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone]* A 500-SQUARE-FOOT ACCESSORY BUILDING WITH AN ATTACHED PORCH, CONTRARY TO THE MAXIMUM ALLOWABLE SIZE FOR AN ACCESSORY STRUCTURE PER THE CITY LAND DEVELOPMENT CODE, SUBMITTED BY APPLICANT ALEC EDDINGER C/O DETAILS CONSTRUCTION GROUP, LOCATED AT 3316 FLOWERTREE ROAD, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 29-23-30-1876-01-060.

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

January 15, 2025

Variance Request: 3316 Flowertree Road

Application Request: P&Z Case Number 2024-12-012: PURSUANT TO SECTION 50-102 (A) (4) (G), AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A 500-SQUARE-FOOT ACCESSORY BUILDING WITH AN ATTACHED PORCH, CONTRARY TO THE MAXIMUM ALLOWABLE SIZE FOR AN ACCESSORY STRUCTURE PER THE CITY LAND DEVELOPMENT CODE, SUBMITTED BY APPLICANT ALEC EDDINGER C/O DETAILS CONSTRUCTION GROUP, LOCATED AT 3316 FLOWERTREE ROAD, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 29-23-30-1876-01-060.

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

Background

The applicant seeks to create a 500-square-foot detached accessory structure with an attached porch area. The applicant details that the homeowner intends to use the structure for recreational activities only.

Pursuant to section 50-102 (A), the city code states that accessory buildings represent any building which is not structurally attached to the principal building and has floor area larger than 25 square feet. Following section 50-102 (A) (4) (G) for accessory structures, the total maximum square footage is 300 square feet per accessory structure.

Staff Recommendation

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

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

The lot's configuration does not create special conditions or circumstances to allow the requested variance. The applicant once possessed a legally nonconforming structure, which has since been demolished. Any new structures created within the city must conform to the current land development code requirements for zoning approval.

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

The requested variance to create an accessory structure exceeding the allowable square footage by 200 square feet is self-created, as the applicant seeks to enlarge the structure for personal use. A personal hardship is not grounds for a variance approval.

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

The requested variance nearly doubles the square footage allowance the city land development code provides.

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

The variance request does not affect the adjacent properties or the surrounding neighborhood. The property abuts a vacant commercial property along the rear lot line.

Based on the variance criteria under section 42-64 (d-g), Staff recommends that the Board deny the requested variance to allow a 500-square-foot accessory building with the attached porch feature.

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.



PLANNING & ZONING

City Hall
1600 Nela Avenue
Belle Isle, FL 32809

Office of the City Manager
Administration
407.851.7730 x105
407.240.2222 fax

Finance Department
407.851.7730 x104

Planning Department
407.793.5348 x103

Public Works
689.500.3473

Code Enforcement
407.849.8450

Police Department (PD)
407.240.2473 Office

407.836.4357
Non-Emergency

Website:
www.belleislefl.gov

Harvey and Virginia Saltzman
7306 Matchett Rd.
Belle Isle, FL 32809

January 16, 2025

Notice of Determination for Lot Split Request

Dear Mr. & Mrs. Saltzman,

I write on behalf of the City of Belle Isle about your application for a lot split request for the property at 7306 Matchett Rd., Belle Isle, FL 32809, also known as parcel number 25-23-29-0000-00-035.

The City Council of Belle Isle reviewed your lot split application at a public meeting on Tuesday, December 17, 2024, and voted to table your request to the City Council meeting on Tuesday, April 15, 2025 starting at 6:30 p.m..

You may contact the City of Belle Isle for questions about this letter.

Sincerely,

Raquel Lozano

City Planner, City of Belle Isle



City of Belle Isle

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

Variance and Special Exception Application

City Code Chapter 42, Art. II, Sec. 41-61 thru 41-72 AND Sec 42-64 Land Development Code				
APPLICANT Details Construction Group		OWNER Alec Eddinger		
ADDRESS 390 N. Orange Ave Suit-e 2300 Orlando, Florida 32801		PROJECT ADDRESS 3316 Flowertree Rd Orlando, FL 32812		
-CONTACT NUMBER 407-844-6837		OWNER'S CONTACT NUMBER 561-289-5514		
EMAIL brandy@dataforce.com , office@dataforce.com Flora Smith		OWNER'S EMAIL eddinger@bellsouth.net		
PARCEL ID# 302329187601060				
LAND USE CLASSIFICATION residential single family		ZONING DISTRICT map 14		
SECTION OF THE CODE VARIANCE REQUESTED ON				
<p>DETAILED VARIANCE REQUEST</p> <p>The home was purchased with a 600 sq ft ADU on the property. The homeowners were unaware that the ADU was located within a utility easement, leading to its demolition by DUKE energy. This resulted in a significant loss of use and enjoyment for the homeowners. We are asking for a 450 Sq Ft unit plus a 50 sq ft porch to be rebuilt on the property on an approved location on the property. We respectfully request your assistance in reaching a solution that restores the homeowners' full enjoyment of their property. Thank you for your attention to this matter.</p>				
<ul style="list-style-type: none"> The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within nine (9) months. Further, the requested user does not violate any deed restriction of the property. By applying, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property during reasonable hours to inspect the area to which the application applies. The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies. 				
APPLICANTS SIGNATURE <i>Flora Smith</i>		OWNER'S SIGNATURE <i>Alec Eddinger</i>		
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	P&Z CASE NUMBER <i>2024-12-012</i>	DATE OF HEARING <i>1/28/2025</i>

Sec. 42-64. - Variances. The Board shall have the power to approve, conditionally approve or deny applications for a variance from the terms of the Land Development Code.

Criteria. The Board shall not approve an application for a variance from terms of the Land Development Code unless and until:

- A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing

the requirements of subsections (1)d-g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.

- Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing or the applicant's attorney shall appear before the board.

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



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.*

- a. In granting any variance, the Board may prescribe appropriate conditions and safeguards to comply with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under

which

the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the Board's discretion, such variance may be revoked for violation of the condition and safeguards.

- b. The Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed. Under no circumstances, except as permitted above, shall the Board grant a variance to allow a use not generally or by special exception allowed in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

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

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

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

General Information

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

FOR OFFICE USE ONLY:
 FEE: \$300 11/15/25 CC 169353143
 Date Paid Check/Cash Rec'd By 

Revised 03/21/22



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

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 comprises 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 a **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 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. Ten (10) copies of a plot plan or survey showing all improvements to the property, ten 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:**

*Standards of Variance Justification

Special Conditions and/or Circumstances Section 42-64 (1) d
 Section 42-64 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards

are met. Please answer each bold-text question in a separate typed or a written document and submit it to the City as part of your variance request.

The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship. That 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. **WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?**

Not-Self-Created Section 42-64 (1) e	The applicant must prove that the special conditions and circumstances do not result from the applicant's actions. A personal (self-created) hardship shall not justify a variance; i.e., when the applicant creates the alleged hardship, they are not entitled to relief by their conduct. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?
Minimum Possible Variance Section 42-64 (1) f	The applicant must prove that the zoning variance is the minimum variance that will make the reasonable use of the land, building, or structure possible. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.


<p>Purpose and Intent Section 42-64 (1) g</p>	<p>The applicant must prove that approval of the zoning variance will be in harmony with the general purpose and intent of the Code, and such zoning variance will not be injurious to the neighborhood, not detrimental to public welfare, and not contrary to the public interest.</p> <p>WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE, ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC).</p>
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***For a variance application from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, and you do not have to comply with Sec. 42-64 (1) d and (1) f.**





Revised 03/21/22

Audit trail

Details

FILE NAME	Eddinger ADU Variance Application.pdf - 11/26/24, 1:22 PM
STATUS	 Signed
STATUS TIMESTAMP	2024/11/26 19:00:46 UTC

Activity

 SENT	kent@detailscg.com sent a signature request to: <ul style="list-style-type: none">Alec Eddinger (aleceddinger@gmail.com)Flora Smith (flora@detailscg.com)	2024/11/26 18:22:51 UTC
 SIGNED	Signed by Flora Smith (flora@detailscg.com)	2024/11/26 18:24:39 UTC
 SIGNED	Signed by Alec Eddinger (aleceddinger@gmail.com)	2024/11/26 19:00:46 UTC
 COMPLETED	This document has been signed by all signers and is complete	2024/11/26 19:00:46 UTC

The email address indicated above for each signer may be associated with a Google account, and may either be the primary email address or secondary email address associated with that account.

UCLR 21524403173
08/05/2024 02:08:40 PM Page 1 of 2
Rec Fee: \$18.50
Deed Doc Tax: \$0.70
DOR Admin Fee: \$0.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Phil Diamond, Comptroller
Orange County, FL
NB - Ret To: JEFFREY & LISA EDDINGER



Prepared By:

Name: Jeffrey & Lisa Eddinger
Address: 2955 NW 24th Terrace
Boca Raton, FL 33431

Tax Parcel ID #: 29-23-30-1876-01-060

Space Above This Line for Recorder's Use

FLORIDA QUIT CLAIM DEED

STATE OF FLORIDA – ORANGE COUNTY

This QUIT CLAIM DEED, made this **1st day of September, 2024**, by:

Jeffrey Eddinger and Lisa Eddinger, whose address is:

2955 NW 24th Ter., Boca Raton, FL 33431

hereinafter called the Grantor, to:

Alec Eddinger, whose address is:

3316 Flowertree Rd., Belle Isle, FL 32812

Hereinafter called the Grantee

(Wherever used herein the terms 'Grantor' and 'Grantee' include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of \$10 (ten dollars) in hand paid to Jeffrey and Lisa Eddinger, a married couple residing at 2955 NW 24th Ter., Boca Raton, FL 33431, (hereinafter known as the "Grantor(s)") hereby conveys and quitclaims to Alec Eddinger, a single man, residing at 3316 Flowertree Rd, Belle Isle, FL 32812, (hereinafter known as the "Grantee(s)") all interest which we have, if any in the following described real estate, situated in Orange County, Florida, to-wit:

Lot 6, Block "A", Daetwyler Shores, as recorded in Plat Book U, Page 106, of the Public Records of Orange County Florida

Property Address: 3316 Flowertree Rd, Belle Isle, FL 32812



thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever for the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

Jeffrey Eddinger
Grantor's Signature
Jeffrey Eddinger
Grantor's Name
2955 NW 24th Ter.
Street Address
Boca Raton, FL 33431
City, State & ZIP

Lisa Eddinger
Grantor's Signature
Lisa Eddinger
Grantor's Name
2955 NW 24th Ter.
Street Address
Boca Raton, FL 33431
City, State & ZIP

In Witness Whereof,

Mitsy Gunn
Witness Signature
Mitsy Gunn
Witness Name
2400 YAMATO ROAD
Street Address
BOCA RATON, FL 33431
City, State & ZIP

Kim Martin
Witness Signature
Kim Martin
Witness Name
2400 Yamato Rd
Street Address
Boca Raton, FL 33431
City, State & ZIP

STATE OF FLORIDA COUNTY OF PAWM BEACH

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that JEFFREY + LISA EDDINGER whose names are signed to the foregoing instrument, and who is known to me or has produced a Florida Driver's License as identification, acknowledged before me on this day that, being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand this 29 day of JULY, 2021



Diane Frye
Notary Public
My Commission Expires: JULY 10, 2027







