



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: March 5, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Lot Split for 7020 Seminole

Background: The City received an application for a lot split for 7020 Seminole Drive from Bobby and Cindy Lance. This lot split application cites the BIMC 50-35(b)(3) for minimum lot width. The City Attorney will have to give an opinion if this is the correct reference since it appears to apply for subdivisions. The requirement of 85' width to make this a standard size lot is under BIMC Section 50-33: With the prior approval of the city council, any lot or parcel not located within a planned unit development may be divided by lot split so long as the two resulting lots or parcels meet in every respect the Land Development Code's requirements for newly created lots or parcels.

Under the LDC, lot width is defined as ***the horizontal distance between the side lot lines, measured at right angles to the depth.*** Lot Depth is defined as ***the distance measured from the midpoint of the front line to the midpoint of the opposite rear line of the lot.*** Therefore it can be interpreted that, at the very least, width would be measured at both the front and rear lines to determine whether minimum width is met since it is measured at right angles to the depth and depth is determined by both the front and rear lot lines. If the Council, on the advice of the City Attorney, uses this interpretation, then the lots are still considered substandard lots and therefore a variance is needed prior to the Council approving this application.

Staff Recommendation: Review the application and consider the City Attorney's opinion on the measurement of the lot width to determine if the lots in the current configuration meet the criteria of a standard lot. If so, then approve the application. If not, then deny the application.

Suggested Motion: If the Council determines that the application meets the LDC criteria for a lot split by creating two standard lots, then the motion would be: **I move to approve the lot split application of Bobby and Cindy Lance for the property located at 7020 Seminole Drive.**

If the Council determines that the application does not meet the LDC criteria for a lot split by creating two standard lots, then the motion would be: **I move to deny the lot split application of Bobby and Cindy Lance for the property located at 7020 Seminole Drive.**

Alternatives: Continue to move forward with the next steps in the Request for Relief process.

Fiscal Impact: \$18,500 attorney fees and approximately \$300 in Mediator fees

Attachments: Cover Letter from Lance Attorney
Lot split application



Callan Law Firm, P.A.

Bob Francis
City Manager
City of Belle Isle
1600 Nela Ave.
Belle Isle, FL 32809

*Via Electronic Mail to:
bfrancis@belleislefl.gov*

Re: Application of Lot Split – 7020 Seminole Drive

Dear Mr. Francis,

As you are aware, my clients Bobby and Cindy Lance (“Lance’s”) have submitted to the City of Belle Isle (“City”) an Application of Lot Split (“Application”) of their property located at 7020 Seminole Drive, Belle Isle, FL 32812 (“Property”).

The approval by the City of the Lance’s Application is a ministerial action, and not discretionary. All Application requirements have been satisfied under Sections 50-33(6) and 50-35(b)(3) of the City Code. (See copy of Application of Lot Split Attached hereto). As such, the Lance’s are entitled to Board Approval of their Application as a matter of right.

The Application of Lot Split was submitted to you on the morning of January 31, 2019. The Application of Lot Split was also submitted to the City Clerk by the Lance’s on the afternoon of January 31, 2019. Despite my clients’ written request to you that the Application be placed on the Tuesday, February 5, 2019 Agenda, as they were entitled to, the City has failed to place same on the Agenda, instead indicating it could not hear the Application for some weeks later.

Nonetheless, the Lance’s have received confirmation from you that their Application will be placed on the Agenda for the March 5, 2019 Board Meeting. As all requirements for a lot split are satisfied, and approval of same is a ministerial function, the Lance’s fully anticipate that the Board Approve their request at the March 5, 2019 Board Meeting. Therefore, any denial of the Lance Request, whether conditional or otherwise, is grounds for legal action against the City. Thank you and I look forward to finalizing this matter soon.

Very Truly Yours,



Logan J. Opsahl, Esq.

Encl: (as stated)
Cc: Dan Langley

January 31, 2019

~~For City~~
~~File~~
P.R.L.

Dear Bob Francis,

Cindy and I desire to split the lot located at 7020 Seminole Drive into two lots. This split is a matter of right as each lot will have portions that are 85' in width.

Under (6) of Section 50-33 of the City Code, an applicant is only required to submit a (1) a survey and legal description both certified by a registered state surveyor of the property to be divided (2) payment as set forth in the Land Development Code and (3) the proof of ownership of the property. The City clerk has indicated that there is no lot split fee and no lot split application. This was also stated by you earlier.

Enclosed are: the (1) Survey Legal Description dated January 21, 2019 by Mr. Blankenship of Atlantic Surveying LLC, and (2) a copy the deed of ownership into Cynthia G. Lance and Paul Robert Lance, husband and wife, recorded in OR BK 7750 PG 0857, Public Records, Orange County, FL, which is our proof of ownership.

Each of the lots are not located within a planned unit development. Each of the proposed lots meet the requirements for an 85' wide lot width and all other requirements of the land development code. Each lot will contain over 24,000 SF of land above the Ordinary High-Water Line of Lake Conway. This greatly exceeds the 10,000 SF minimum contained in the code. Each lot satisfies the definition of lot width within the code, as portions of each lot are 85 feet in width. The only requirement for a minimum lot width is in Section 50-35(b)(3) which states "each lot, for a minimum distance of 15 feet, shall abut a public street." Lot width is defined as "the horizontal distance between the side lot lines, measured at right angles to the depth." Each of the two lots Parcel A and B, meet the 85-foot requirement.

And, the final document included (3) is a notice of no further lot split executed by the owner of the property for the lot split.

The approval by the City is an administrative action, not discretionary. Please set this on the agenda for the next Belle Isle City Council meeting to be held on Tuesday February 5, 2019.

Respectfully Submitted,


Paul R., Bobby Lance

JAN 31 10:04 AM '19

preliminary plat, the director shall forward a composite report of the findings to the applicant. The composite report shall reference the specific sections of the applicable regulations or the portions of the approved preliminary plat to which the proposed final plat does not conform. The applicant may revise the proposed plat and resubmit or withdraw the proposed plat. The applicant will have up to 180 days from the date of the original submittal to resubmit a revised proposed final plat. After 180 days the proposed final plat shall be deemed to be withdrawn, and if the one year from approval date of the preliminary plat has lapsed, the approved preliminary plat shall become null and void. If one year has not lapsed, the preliminary plat shall be valid until the year has lapsed, after which time it shall be null and void.

4. *Approval of final plat.* If the proposed plat is found to conform to the above requirements, the applicant shall be required to submit 16 copies of the proposed final plat to the city. The proposed final plat shall then be reviewed by the board for compliance with this article. The board shall recommend to the council the approval, approval with conditions, or denial of the proposed final plat. The council shall uphold or reverse the recommendation of the board. In denying any proposed final plat, the council or the board shall provide reasons for such action, making reference to specific sections in these regulations.
 5. *Time limit.* Approved preliminary and final plats shall be automatically voided if a construction conference has not commenced within one year from the date of final plat approval. The council may grant a time extension of up to one year upon a written request from the applicant.
- (4) *Recording of final plat.* The applicant shall have the approved final plat recorded with the county comptroller. The applicant shall provide the director with a copy of the recorded plat. No plat in the city subject to these regulations shall be recorded, whether as an independent instrument or by attachment to another instrument entitled to record, unless and until such plat has been approved by the council. In addition, all fees related to the recording of the plat shall be paid by the applicant.
- (5) *Fees.* All fees associated with the review of a proposed subdivision shall be due at the time of application and are payable to the city. Said fees shall be in accordance with chapter 54, article IV, division 4.
- (6) *Lot split.*
- a. *Submission requirements.* The applicant shall submit a survey and legal description both certified by a registered state surveyor of the property as it is to be divided, payment as set forth in this Land Development Code and proof of ownership acceptable to the city.
 - b. *Requirements.* With the prior approval of the city council, any lot or parcel not located within a planned unit development may be divided by lot split so long as the two resulting lots or parcels meet in every respect the Land Development Code's requirements for newly created lots or parcels. No lot or parcel nor any portion of any lot or parcel which has been created by a lot split shall be further divided by lot split.
 - c. *Notice.* A notice of no further lot split shall be fully executed by the owner of the property submitted for lot split which notice must be approved by the city and such notice shall be recorded in the public records of the county prior to the issuance of any building permit for lots or parcels created by lot split. The form of the notice shall be in recordable form and in substance substantially in accordance with the following: "The property described on the attached Exhibit 1 was the subject of a lot split within the City of Belle Isle, Florida, and no further division of all or any portion of the property described on the attached Exhibit 1 by the lot split procedure in the City of Belle Isle shall be allowed. Further subdivision by other methods may or may not be allowed."

(Ord. No. 92-6, ch. IV, art. A, § 2, 12-15-1992; Ord. No. 95-5, §§ 2, 3, 5-16-1995)

Land Development Code



Prepared by:
BARBIE BECKETT
 Internet Title Services, Inc.
 660 Palm Springs Drive
 Altamonte Springs, Florida 32701

File Number: 13206

INSTR 20040816578
 OR BK 07750 PG 0857 PGS=1
 MARTHA O. HAYNIE, COMPTROLLER
 ORANGE COUNTY, FL
 12/22/2004 02:13:20 PM
 DEED DOC TAX 2,999.50
 REC FEE 10.00
 LAST PAGE

JAN 31 '19 PM 4:40

General Warranty Deed

Made this November 24, 2004 A.D. By Edward P. Hale, an unmarried man, whose address is: 2131 Majestic Woods Blvd. Apopka FL 32712, hereinafter called the grantor, to Cynthia G. Lance and Paul Robert Lance, husband and wife, whose post office address is: 3401 Trentwood Blvd., Orlando, Fl. 32812, hereinafter called the grantees:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Orange County, Florida, viz:

The East 45 feet of Lot 15, all of Lot 16 and the West 35 feet of Lot 17, Block B, Lake Conway Park, according to the Plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida; including all rights, title, interest, claim and demand which the grantor has in and to the lands to lake as recorded in Deed Book 752, Page 446, Public Records of Orange County, Florida, insofar only as said lands lie between the above described property and the lake aforesaid.

Parcel ID Number: 29-23-30-4389-02150

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

To Have and to Hold, 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 taxes accruing subsequent to December 31, 2004.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Barbie A. Beckett
 Witness Printed Name BARBIE A. BECKETT

Edward P. Hale (Seal)
 Edward P. Hale
 Address:

Bruce C. Myrick
 Witness Printed Name Bruce C. Myrick

_____(Seal)
 Address:

State of Florida
 County of Seminole

The foregoing instrument was acknowledged before me this 24th day of November, 2004, by Edward P. Hale, an unmarried man, who is/are personally known to me or who has produced driver's license as identification.

Barbie Beckett
 Notary Public
 Print Name: BARBIE BECKETT
 My Commission Expires: _____

DEED Individual Warranty Deed - Legal on Face
 Closers' Choice



COPY
Tom Callan has
the original


Prepared by and return to:
Callan Law Firm, P.A.
Thomas P. Callan, Esq.
921 Bradshaw Terrace
Orlando, FL 32806

Property Appraisers Parcel Identification
Folio Number(s): 29-23-30-4389-02-150

NOTICE OF LOT SPLIT

The described property, Parcel A and B from the survey, on the attached Exhibit 1 was the subject of a lot split within the City of Belle Isle, Florida, and no further division of all or any portion of the property described on the attached Exhibit 1 by the lot split procedure in the City of Belle Isle shall be allowed. Further subdivision by other methods may or may not be allowed.

Signed, sealed and delivered
in the presence of:


Print Witness Name: Logan Oprea

By: 
Paul Robert Lance



Print Witness Name: Katherine Ewing

Address of Owner:
7020 Seminole Drive
Belle Isle, FL 32812

STATE OF FLORIDA
COUNTY OF orange

The foregoing instrument was acknowledged before this 30 day of Jan, 2019, by Paul Lance who is personally known to me or who has produced _____ as identification, and who did/did not take an oath.




Notary Public Signature
Print Notary Name: _____
My Commission Expires: _____

[Affix Notary Seal]

Signed, sealed and delivered
in the presence of:

[Signature]
Print Witness Name: Logan Opsahl

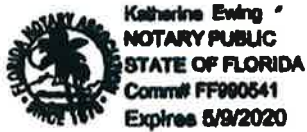
By: [Signature]
Cynthia G. Lance

[Signature]
Print Witness Name: Katherine Ewing

Address of Owner:
7020 Seminole Drive
Belle Isle, FL 32812

STATE OF FLORIDA
COUNTY OF orange

The foregoing instrument was acknowledged before this 30 day of Jan, 2019, by
Cynthia Lance, who is personally known to
me or who has produced _____ as identification, and who
did/did not take an oath.



[Signature]
Notary Public Signature
Print Notary Name: _____
My Commission Expires: _____
[Affix Notary Seal]

JAN 31 '19 PM 4:00

PLAT OF BOUNDARY SURVEY

PARENT TRACT:

The East 45 feet of Lot 15, all of Lot 16, and the West 35 feet of Lot 17, and land to Lake, Block B, LAKE CONWAY PARK, according to the Plat thereof, as recorded in Plat Book G, Page 138, of the Public Records of Orange County, Florida.

Parcel A:

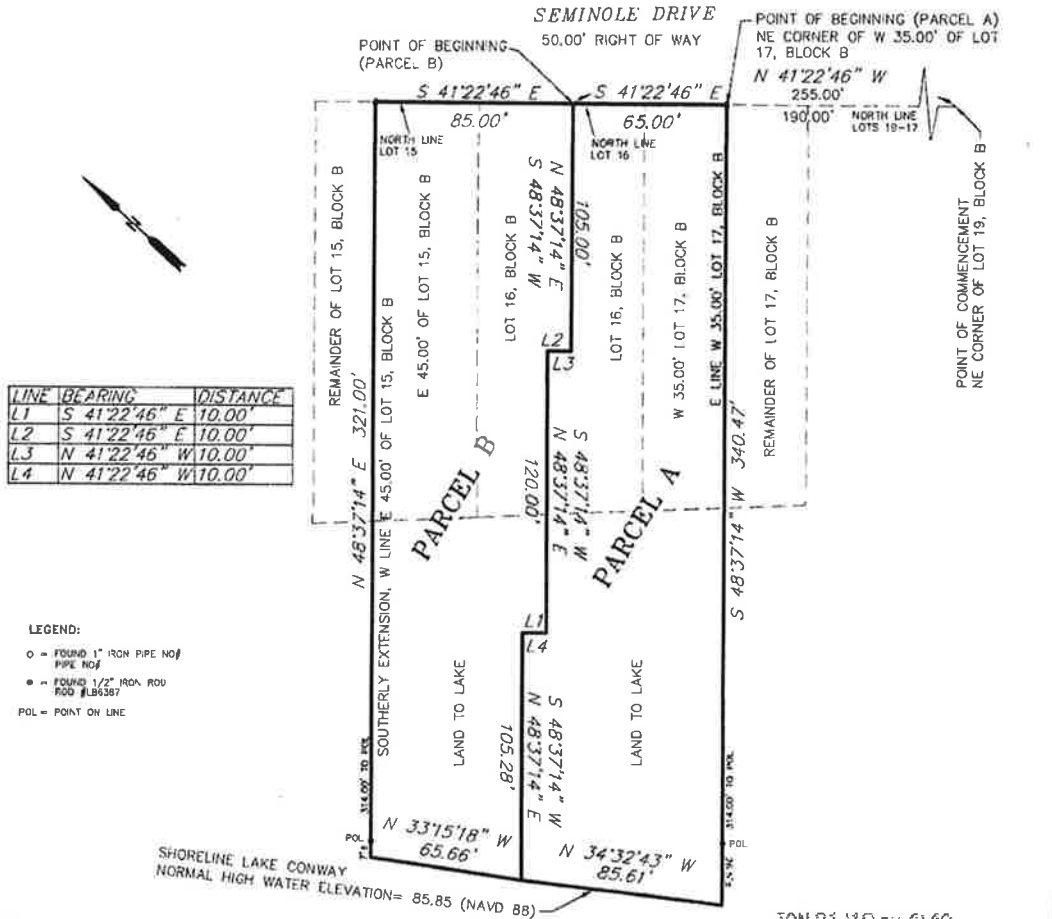
That part of the Lot 16, and the West 35.00 feet of Lot 17, and land to Lake, Block B, LAKE CONWAY PARK, according to the Plat thereof, as recorded in Plat Book G, Page 138, of the Public Records of Orange County, Florida, more particularly described as follows: Commence at the Northeast corner of Lot 19, Block B, of said LAKE CONWAY PARK, thence run N 41°22'46" W along the North line of Lots 19 through 17, Block B of said LAKE CONWAY PARK 190.00 feet to the Northeast corner of aforesaid West 35.00 feet of Lot 17 and the extension thereof 340.47 feet more or less to the shoreline of Lake Conway; thence N 34°32'43" W along said shoreline 85.61 feet; thence N 48°37'14" E 105.28 feet; thence S 41°22'46" E 10.00 feet; thence N 48°37'14" E 120.00 feet; thence S 41°22'46" E 10.00 feet; thence N 48°37'14" E 105.00 feet to the North line of aforesaid Lot 16; thence S 41°22'46" E 65.00 feet to the Point of Beginning.

Containing 25,207 square feet (0.579 acres), more or less.

Parcel B:

The East 45.00 feet of Lot 15 and that part of Lot 16, and land to Lake, Block B, LAKE CONWAY PARK, according to the Plat thereof, as recorded in Plat Book G, Page 138, of the Public Records of Orange County, Florida, more particularly described as follows: Commence at the Northeast corner of Lot 19, Block B, of said LAKE CONWAY PARK, thence run N 41°22'46" W along the North line of Lots 19 through 16, Block B of said LAKE CONWAY PARK 255.00 feet to the Point of Beginning; thence S 48°37'14" W 105.00 feet; thence N 41°22'46" W 10.00 feet; thence S 48°37'14" W 120.00 feet; thence N 41°22'46" W 10.00 feet; thence S 48°37'14" W 105.28 feet more or less to the shoreline of Lake Conway; thence N 33°15'18" W along said shoreline 65.66 feet to the Southerly extension of the West line of aforesaid Lot 15; thence N 48°37'14" E along said West line 321.00 feet to the North line of said Lot 15; thence S 41°22'46" E 85.00 feet to the Point of Beginning.

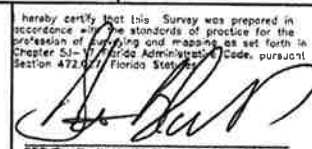
Containing 24,477 square feet (0.562 acres), more or less.



SURVEYOR'S NOTES:

1. THE SURVEYOR DID NOT PERFORM AN ABSTRACT OF TITLE. THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.
2. PARCELS A AND B SHOWN HEREON FOR A PROPOSED LOT SPLIT.
3. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF LOT 15, AS BEING S41°22'46" E (ASSUMED).
5. NO IMPROVEMENTS LOCATED THIS DATE.

JAN 31 '19 PM 4:40

DATE: 1-21-19	SCALE: 1" = 60'	CAL. BY: SEB	DRAWN BY: SEB	JOB NO. 119001B
Date	Revisions	<p style="text-align: center;">ATLANTIC SURVEYING 308 S. DILLARD STREET WINTER GARDEN, FLORIDA 34787 (407) 656-4993/FAX (407) 877-9983</p> <p style="text-align: right;">heraby certify that this Survey was prepared in accordance with the standards of practice for the profession of surveying and mapping as set forth in Chapter 53-17 Florida Administrative Code, pursuant to Section 472.07, Florida Statutes.</p>  STEVEN E. BLANKENSHIP P.S.M. #5361 STATE OF FLORIDA		

