

**ITEM 3  
MEMORANDUM**

**TO:** Planning and Zoning Board

**DATE:** February 25, 2021

**PUBLIC HEARING CASE #2021-02-035** - PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-75 (C) (2) AND SEC. 54-75 (C) (3) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW A CHURCH WITH THEIR ATTENDANT EDUCATIONAL BUILDINGS AND RECREATION FACILITIES, AND/ OR A PARK AND RECREATION AREA OWNED AND OPERATED BY A NONPROFIT ORGANIZATION ON A SINGLE-FAMILY RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT TIM KUCK , LOCATED AT 7500 DAETWYLER DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-8036-01-010.

**Background:**

1. On February 24, 2021, Tim Kuck submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, February 27, 2021, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on February 25, 2021.

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.

**SAMPLE MOTION TO APPROVE:**

"I move, pursuant to Belle Isle Code Sec. 54-75 (C) (2) and Sec. 54-75 (C) (3) of the Belle Isle Land Development Code having been met **TO APPROVE THE REQUESTED SPECIAL EXCEPTION** TO ALLOW A CHURCH WITH THEIR ATTENDANT EDUCATIONAL BUILDINGS AND RECREATION FACILITIES, AND/ OR A PARK AND RECREATION AREA OWNED AND OPERATED BY A NONPROFIT ORGANIZATION ON A SINGLE-FAMILY RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT TIM KUCK , LOCATED AT 7500 DAETWYLER DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-8036-01-010

**SAMPLE MOTION TO DENY:**

"I move, the justifying criteria of the Belle Isle Land Development Code **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of 54-75 (C) (2) and Sec. 54-75 (C) (3) Subsections: [STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] **having NOT been met; [may be used in addition to above or alone] TO DENY THE REQUESTED SPECIAL EXCEPTION** TO ALLOW A CHURCH WITH THEIR ATTENDANT EDUCATIONAL BUILDINGS AND RECREATION FACILITIES, AND/ OR A PARK AND RECREATION AREA OWNED AND OPERATED BY A NONPROFIT ORGANIZATION ON A SINGLE-FAMILY RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT TIM KUCK , LOCATED AT 7500 DAETWYLER DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-8036-01-010

**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.



*April Fisher, AICP*  
PRESIDENT  
407.494.8789  
fisherpds@outlook.com

March 4, 2021

**Variance Application: 7500 Daetwyler Drive**

**Applicant Request:** PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-75 (C) (2) AND SEC. 54-75 (C) (3) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW A CHURCH WITH THEIR ATTENDANT EDUCATIONAL BUILDINGS AND RECREATION FACILITIES, AND/ OR A PARK AND RECREATION AREA OWNED AND OPERATED BY A NONPROFIT ORGANIZATION ON A SINGLE-FAMILY RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT TIM KUCK , LOCATED AT 7500 DAETWYLER DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-8036-01-010.

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

This special exception application seeks a use in the R-1-AA zoning district that may only be permitted by the Planning and Zoning Board, pursuant to Code Sec. 42-63.

**Staff Recommendation**

At the time of the writing of this staff report, the enclosed application form and email are the documents the applicant has submitted to the City. Based on this, there is not enough information to write a staff evaluation and recommendation on the applicant's request.

In consultation with the City Manager, if the Board approves the special exception following the applicant's presentation at the public hearing, the following conditions may be appropriate:

- 1.) That the applicant (property owner) enters a "Payment in Lieu of Taxes" (PILOT) agreement with the City within 60 days of the special exception approval to cover City services that will continue to be provided to the property even in a non-profit status.
- 2.) That the applicant provides a professionally prepared transportation analysis within 30 days of the special exception approval that analyzes transportation use and impacts on Daetwyler Drive, as well as evaluating whether turn lanes may be needed due to the use.
- 3.) If the transportation analysis finds that any roadway improvements are needed on Daetwyler Drive due to the special exception use, the applicant be required to enter into a proportionate-share payment agreement for the cost of these improvements within 60 days from the City's receipt of the professionally prepared transportation analysis.

**Additional Notes**

Please note that the Board may approve the proposed special exception 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 of Belle Isle

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

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 2/22

P&Z CASE #: \_\_\_\_\_

VARIANCE  SPECIAL EXCEPTION  OTHER

DATE OF HEARING: \_\_\_\_\_

APPLICANT: Tim Kuck

OWNER: Jorge Garcia

ADDRESS: 7500 Daetwyler  
Belle Isle, Fla. 32812

7500 Daetwyler, LLC  
121 S Orange Avenue, 940

PHONE: 321-231-9737

Orlando, FL 32801

PARCEL TAX ID #: 29-23-30-8036-01-010

LAND USE CLASSIFICATION: LDR ZONING DISTRICT: R-1-AA

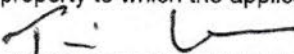
DETAILED VARIANCE REQUEST: Please see attached.

SECTION OF CODE VARIANCE REQUESTED ON: Sec. 54-75(c) Special Exceptions

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.



DocuSigned by:  
Jorge L. Garcia, authorized signatory

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:	FEE: \$150.00	Date Paid	Check/Cash	Rec'd By
	Determination	_____		
Appealed to City Council:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Council Action: _____		

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**Fwd: Regal Family Life Center**

1 message

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**Tim Kuck** [REDACTED]  
To: April Fisher <aprilfisher73@gmail.com>

Tue, Feb 23, 2021 at 8:06 PM

April,

Does this do it? 😊

We are seeking a Special Exemption as a "church" which is listed in section "C" in the Sec 54-74 Single-Family Dwelling Districts. The property is zoned R-1-AA.

The Regal Family Center ( 7500 Daetwyler ) is intended to serve Regal Team members and the city of Belle Isle by creating opportunities to cultivate community. Membership would be available for those that are interested in participating in it's use. The fitness center, game rooms, swimming pool, tennis, basketball and pickle ball courts and a few other amenities would be available for use through membership. Membership would also provide discounted use of the facilities for events or conference space. In addition there would be selected "Belle Isle" days which would be open to Belle Isle residents without being a member.

Also education and development opportunities would be available in the areas of financial, physical, emotional, spiritual health and wellness without being a member. This facility's purpose is to serve the Regal and Belle Isle community.

Ideally this facility is a place of family enrichment, fun and community. This would be a unique place that would add value to Belle Isle, a community of lakes and Regal, a boat company which builds memories by creating family fun.

**Electronic Articles of Organization  
For  
Florida Limited Liability Company**

**L16000217210  
FILED 8:00 AM  
November 30, 2016  
Sec. Of State  
jafason**

**Article I**

The name of the Limited Liability Company is:

7500 DAETWYLER, LLC

**Article II**

The street address of the principal office of the Limited Liability Company is:

121 S ORANGE AVENUE  
940  
ORLANDO, FL. 32801

The mailing address of the Limited Liability Company is:

121 S ORANGE AVENUE  
940  
ORLANDO, FL. 32801

**Article III**

The name and Florida street address of the registered agent is:

JOSEPH A PORRELLO  
7875 SW 104TH ST. SUITE 103  
MIAMI, FL. 33156

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: JOSEPH A. PORRELLO

## Article IV

The name and address of person(s) authorized to manage LLC:

Title: MGR  
JORGE L GARCIA  
121 S ORANGE AVENUE, STE 940  
ORLANDO, FL. 32801

L16000217210  
FILED 8:00 AM  
November 30, 2016  
Sec. Of State  
jafason

Signature of member or an authorized representative

Electronic Signature: JORGE L. GARCIA

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.



## Detail by Entity Name

Florida Limited Liability Company  
7500 DAETWYLER, LLC

### Filing Information

**Document Number** L16000217210  
**FEI/EIN Number** 81-4571890  
**Date Filed** 11/30/2016  
**State** FL  
**Status** ACTIVE

### Principal Address

4779 Collins Ave  
Apt 4203  
Miami Beach, FL 33140

Changed: 01/31/2020

### Mailing Address

4779 Collins Ave  
Apt 4203  
Miami Beach, FL 33140

Changed: 01/31/2020

### Registered Agent Name & Address

PORRELLO, JOSEPH A  
7700 N. Kendall Drive  
Suite 602  
Miami, FL 33156

Address Changed: 01/31/2020

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

GARCIA, JORGE L  
4779 Collins Ave  
Apt 4203  
Miami Beach, FL 33140

## Annual Reports

<b>Report Year</b>	<b>Filed Date</b>
2019	01/30/2019
2020	01/31/2020
2021	02/02/2021

## Document Images

<a href="#">02/02/2021 – ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/31/2020 – ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/30/2019 – ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/22/2018 – ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/02/2017 – ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">11/30/2016 – Florida Limited Liability</a>	<a href="#">View image in PDF format</a>