

MEMORANDUM

TO: Planning and Zoning Board

DATE: March 26, 2024

RE: Variance Application – 1832 Wind Harbor Road

PUBLIC HEARING #2024-02-024 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM THE BUILDING SETBACKS REQUIREMENTS OF A R-1-AA ZONING DISTRICT, SUBMITTED BY APPLICANTS TIMOTHY SHIPE AS TRUSTEE OF THE GARY SHIPE TRUST DATED JANUARY 27, 1999 AND FRANK WILSON, LOCATED AT 1832 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-260.

Background:

1. On February 22, 2024, the applicant submitted a variance application and the required paperwork.
2. Letters to the abutting property owners were mailed within 300 feet of the subject property on March 13, 2024.
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., March 16, 2024.

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 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 50-73 (A), **TO APPROVE** THE BUILDING SETBACKS REQUIREMENTS OF A R-1-AA ZONING DISTRICT AS FOLLOWS _____ SUBMITTED BY APPLICANTS TIMOTHY SHIPE AS TRUSTEE OF THE GARY SHIPE TRUST DATED JANUARY 27, 1999 AND FRANK WILSON, LOCATED AT 1832 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-260.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE CODE SEC. 42-64 AND 50-73 (A), 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] THE BUILDING SETBACKS REQUIREMENTS OF A R-1-AA ZONING DISTRICT SUBMITTED BY APPLICANTS TIMOTHY SHIPE AS TRUSTEE OF THE GARY SHIPE TRUST DATED JANUARY 27, 1999 AND FRANK WILSON, LOCATED AT 1832 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-260.*

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.

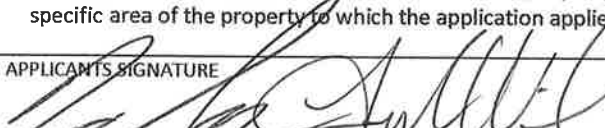

City of Belle Isle

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: Timothy Shipe & Frank Wilson		OWNER: Timothy Shipe, as trustee of the Gary Shipe Trust, dated January 27, 1999	
ADDRESS: 7415 Lake Dr Orlando FL 32809		PROJECT ADDRESS: 1832 Wind Harbor Rd, Orlando, FL 32809	
CONTACT NUMBER: 3001/321-303-6699 (Frank)		OWNER'S CONTACT NUMBER: 407 616 7111	
EMAIL: Tim.shipe@icloud.com		OWNER'S EMAIL: barbsloski@mac.com	
PARCEL ID#: 30-23-30-9330-00-260			
LAND USE CLASSIFICATION: B100 - Single-family		ZONING DISTRICT: B-1-AA	
SECTION OF THE CODE VARIANCE REQUESTED ON: 50-73			
DETAILED VARIANCE REQUEST Variance to build front & back porch/non living space, with a lesser setback than code allows for front & rear setback.			
<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. 			
APPLICANT'S SIGNATURE: 		OWNER'S SIGNATURE: 	
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	P&Z CASE NUMBER: 2024-02 4024 DATE OF HEARING: 3/26/2024

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 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.

- b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- c. 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

GENERAL DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That I, GARY W. SHIPE, of Hamblen County, Tennessee, have made, constituted and appointed and by these presents do make, constitute and appoint TIMOTHY H. SHIPE of Orlando, Florida my true and lawful general attorney-in-fact, for me and in my name, place and stead to do all my personal business in my name, including but not limited to, all those powers enumerated in Tennessee Code Annotated §§34-6-109 and 34-6-108 (c), as such statutes are in effect on the date hereof and without regard to the fact that such statutes may be amended hereafter, as fully, completely and amply to all intents and purposes whatsoever, as I might or could do if acting personally. And I hereby ratify and confirm all lawful acts done by my said attorney-in-fact in virtue hereof.

I also appoint Timothy H. Shipe to be my deputy to have access to any safety deposit box which I may have with any bank or savings and loan association with the same power that I would have if personally present and I further authorize my deputy to execute any safe deposit box contract in my behalf as such deputy.

I do hereby agree that this power of attorney shall be and remain in full force and effect until by me revoked by written notice to anyone who may in good faith rely on same and recorded in the Register's Office for Hamblen County, Tennessee, if the original appointment has been so recorded.

This power of attorney is to be construed as a general durable power of attorney and the enumeration of various powers therein shall not be considered as a limitation of powers. Also, it is my intention that this power of attorney shall not be affected by my subsequent mental or physical debility or incapacity as provided for by Tennessee Code Annotated §34-6-101, et seq.

WITNESS my hand this 19 day of ^{Dec. 2008}~~June, 2007~~.

Gary W. Shipe
GARY W. SHIPE

This Instrument Prepared By:

William O. Foutch, Jr.
830 West First North Street, Morristown, Tennessee 37814

STATE OF TENNESSEE

COUNTY OF HAMBLEN

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, the within named bargainer, GARY W SHIPE, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the foregoing instrument for the purposes therein contained and expressed.

~~Dec. 2008~~ WITNESS my hand and official seal at office in said County this 19 day of ~~June, 2007.~~



Susan L. Carmichael.
NOTARY PUBLIC

My commission expires: May 28 2012.

Raquel Lozano
City of Belle Isle
1600 Nela Avenue, Belle Isle, FL 32809
Direct Line: 407-793-5348
Office Line: 407-851-7730
Planner@BelleIsleFL.Gov

February 22, 2024

Re: New house at 1832 Wind Harbor Rd., Belle Isle, FL 32809
Parcel ID# 30-23-30-9330-00-260, Land use: 0103 Single Family Class III, Zoning: R-1-AA.

Ms. Lozano,

This narrative letter is to give a brief description of the planned project for the above referenced address. The existing 2 story house is to be demolished and the site prepared for a new house. The existing house does not meet the current setbacks required by the City of Belle Isle. See Existing Site survey.

The proposed plan for constructing a new 2 story house will be built within the allowable setbacks set forth by the City of Belle Isle Land Development code, **Sec. 50-73. - Site and building requirements**. Due to the current setback requirements per The City of Belle Isle and the shape of the property, the new building envelope will only allow for 34.4 ft of depth in the mid-section of the property. We are able to fit a narrow house plan in this space, but this leaves little to no room for front and rear porches. We are asking for a variance to construct front and rear porches. This would be non-living square footage and will add a functional covered area in the front and rear. This will promote energy savings for heating and cooling, plus adds to the aesthetics of the property. We are asking to encroach a maximum of 8 feet into the front setback for the front porch. We are asking to encroach a maximum of 20 feet into the rear setback for the rear porch. See Proposed site plan.

The variances we are asking for are in keeping with the architectural style and size of houses in this neighborhood. We thank you for your consideration in advance.

Please call if you have any further questions.

Sincerely,



Frank Wilson

