

No Objection to Marvel Quevedo Lot Split Request to Allow 2 lots at

1711 Hoffner Avenue

Name _____

Name

1. Mike Affey
2. Bambie Alley
3. Michael G. Jungen
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____

Address

Address 1719 46th Street to 11

1719 Hoffner Avenue, B.I.

2010 Hoffner Avenue, Belle Isle

No Objection to Marvel Quevedo Lot Split Request to Allow 2 lots at
1711 Hoffner Avenue

<u>Name</u>	<u>Address</u>
1. Robert & Marcia Britt	1721 Conway Isle Circle Belle Isle
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____

No Objection to Marvel Quevedo Lot Split Request to Allow 2 lots at

1711 Hoffner Avenue

Name

1. Robert Cruz

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

16. _____

Address

2242 Hoffner Ave, bult isle 32809

PREPARED BY;
 Alison Yurko
 Alison Yurko PA
 PO Box 2286
 Winter Park, Fla. 32790

ABOVE SPACE RESERVED FOR
 RECORDING PURPOSES ONLY

RESTRICTIVE COVENANT

THIS Restrictive Covenant (this "Restriction"), made and executed this day of _____, 2023, by Marvel Quevedo for herself and her heirs, successors and assigns (hereinafter Quevedo) in favor of the City of Belle Isle, a municipal corporation of the State of Florida, whose address is 1600 Nela Ave Belle Isle, Fla. 32809, (hereinafter "CITY").

WHEREAS, said restriction is a voluntary inducement given by Quevedo to the CITY in furtherance of, and a material part of a lot split approval which has created the new lot related to the Property;

Now, Therefore, Quevedo, for the sum of \$10.00 and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby agree and declare that the Property described in Exhibit A attached hereto (hereinafter "Property") shall be held, conveyed, encumbered, leased, rented, used, occupied and improved subject to the following limitations, restrictions, conditions and covenants:

1. As of the recording of this Restriction, the Property is considered to be a conforming lot, and the single family home currently located thereon is a conforming use. However, there is a legally non-conforming professional office use on the Property in one of the building structures located closest to the rear boundary of the Property ("Nonconforming Use"). The Nonconforming Use and the structurebuilding it is within ("Building"), shall not be expanded nor shall the current the intensity of use professional use be changed to any type of higher intensity use increased. If the Nonconforming Use is abandoned or vacated for more than 180 days then it shall not be reestablished. Except for the existing Nonconforming Use, there shall be no commercial use of the Property and the Property shall only be used for single-family residential purposes. Since the Once split into two lots, the Property has been created by a lot split, it shall not be further subdivided.
2. On or before February 6, 2034, the Nonconforming Use shall no longer be permitted on the Property and such use shall completely cease and become a prohibited use; provided that the Building shall be permitted to remain, and shall then be considered a conforming accessory use, no rentals allowed.
3. City may enforce the terms of this Restriction by any action available at law or in equity, including without limitation actions for injunctive relief, specific performance, as well as for compensatory and consequential damages. Further, the City may rescind, deny or

withhold any development order or permit sought or received that is inconsistent with this Restriction. The rights and remedies available hereunder or at law or in equity are cumulative and the use of one remedy shall not be taken to exclude or waive the right to the use of another.

3.4. In the event This Restriction can only be terminated or amendment by written agreement of the CITY; provided however, that this Restriction shall be deemed to be terminated and of no further force and effect upon demolition of the Building; in which event CITY shall record a termination of this Restriction in the public records of Orange County within thirty (30) days of written request by the owner of the Property.

4.5. If any provisions contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Restriction.

5.

6. This Restriction shall be recorded in the public records of Orange County, Florida, shall run with the land and shall be binding on the heirs, successors and assigns of Quevedo and perpetually be for the benefit of the City.

IN WITNESS WHEREOF, Quevedo has caused these presents to be executed in its name on the _____ day of _____ 2024,

"Quevedo "

Marvel Quevedo

1. _____
Printed Name and Address of Witness

Signature of Witness

2. _____
Printed Name and Address of Witness

Signature of Witness

STATE OF FLORIDA

COUNTY OF ORANGE

Sworn to or affirmed and signed before me by physical presence

on _____ by Marvel Quevedo

NOTARY PUBLIC

[Print, type, or stamp commissioned name of notary or clerk.]

Personally known

Produced identification

Type of identification produced _____

Accepted by the City of Belle Isle, a Florida municipal corporation

By: _____
Nicholas Fouraker, Mayor

Attest: _____
Yolanda Quiceno, City Clerk

Date: _____



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

Lot Split Determination Application

City Code Chapter 50-33(6) - Non-Refundable \$300.00 application fee (BIMC SEC 54-171)

The City Manager or Designee reserves the right to determine whether this application is complete and accurate. Incomplete applications will not be processed and will be returned to the applicant. The processing time may take up to 5-business days. Please be aware septic systems are not approved with this request. Contact the Health Department at 407-836-2600 for the ability to install septic systems on these proposed lots.

PARENT PROPERTY INFORMATION		Parcel ID#
Property Owner's Name <i>Marvel Quevedo</i>		Permit #
Property Owner's Address <i>1711 Hoffner Ave</i>		Owner's Contact Number <i>(407) 460-0085</i>
PERMITTEE'S PROPERTY INFORMATION		
Permittee's Name <i>as above</i>	Permittee's Contact Number <i>"</i>	
Permittee's Address <i>"</i>		
Legal Description (Parent Tract and Proposed Lots) <i>Lot 3 and northeasterly 1/2 of Lot 2, Lake Conway View, PB J, P. 46 Orange County</i>		
Reason for Request <i>See attached letter</i>		
Are there any existing/pending permits for the subject property? (If yes, indicate on the survey)		Yes <input type="checkbox"/> No <input type="checkbox"/>
Overall Land Area <i>1.94 acres</i>	Are Septic tanks proposed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Will Wells be used <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>Central water to be brought to new home</i>	All resulting lots have public access (Please indicate on the survey)	
How many total parcels proposed (3 max) <i>2</i>	For proposed split	Reconfiguration
Developable land area (less lake and wetlands) for each lot	Lot #1	Lot #2
		Lot #3

SUBMITTAL REQUIREMENTS:

- Non-Refundable \$300.00 application fee (BIMC SEC 54-171).
- 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 outlined in this Land Development Code or as otherwise prescribed by the city council or city manager, and proof of ownership acceptable to the City.
 - The survey, to scale, must contain at a minimum 1) all existing structures, 2) easements, 3) wetlands, 4) the NHWE for any water bodies, 5) the 100-year flood zone limit, 6) all adjoining rights-of-way, 7) proposed lot lines and dimensions, 8) lot areas, and 9) legal descriptions (of parent tract and all proposed lots). If septic systems or wells are proposed, the survey must indicate existing septic tanks, drain fields, and well locations. All lots shall maintain a minimum 20' fee for simple access to a dedicated public paved street.*
- Notarized Owner Authorization (if the applicant is not the property owner).

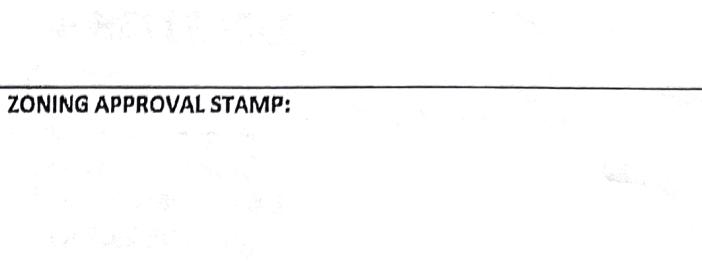
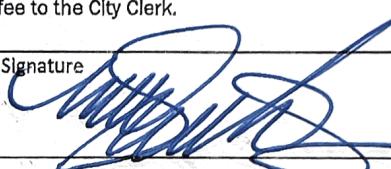
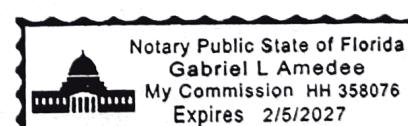
- With the prior approval of the city council, any lot or parcel not located within a planned unit development may be divided by lot split so long as the two resulting lots or parcels meet in every respect the Land Development Code's requirements for newly created lots or parcels. No lot or parcel or any portion of any lot or parcel created by a lot split shall be further divided by a lot split. No variance will be given for any lot split that results in a lot or parcel that does not conform in every respect to the Land Development Code's requirement for newly created lots or parcels. For example, no variance will be given for any lot split resulting in a substandard lot.
- A Notice of No Further Lot Split shall be submitted and fully executed by the owner of the property submitted for a 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 substance substantially in accordance be 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."



City of Belle Isle

Tel 407-851-7730 * Fax 407-240-2222 * www.cityofbelleislefl.org

Lot Split Determination Application – Continued

Property Owner's Names <u>Marvel Quevedo</u>	Permit # <u>2023-00000000000000000000000000000000</u>	
Signature 	ZONING APPROVAL STAMP: 	
Owner or Designee Name <u>Marvel Quevedo</u>		
<p>The following request is to divide property for purposes of obtaining building permits or for transfer of ownership as required by the Belle Isle Municipal Code.</p> <ul style="list-style-type: none">I understand that any approval to divide land may require further approvals by the Planning & Zoning Board and City Council. This request may take up to thirty (30) days for staff review and written response. I understand that any request to divide land is subject to the Belle Isle Comprehensive Plan, as amended, and all other applicable regulations and ordinances.If approval of this application is granted based on false information provided by the property owner or authorized representative, the City reserves the right to revoke the approval and any permits issued as a result of the false information.Decisions of the Planning & Zoning Board may be appealed to the City Council within 15 calendar days of receipt of the decision. The appeal fee is \$150.00. Submit notice of appeal and fee to the City Clerk.		
Print (Owner or Designee) <u>Marvel Quevedo.</u>	Signature 	Date
FOR OFFICE USE ONLY - FEE: \$300.00	Date Paid _____	Check/Cash/CC _____
<p>State of <u>Florida</u> County of <u>Orange</u> Notary's Signature <u>Gabriel A</u></p>		
<p>Notary Printed <u>Gabriel Amedee</u> My commission expires: <u>2/5/2027</u> (SEAL)</p>		
<p>Date <u>10/12/2023</u></p>		
		



**CITY OF BELLE ISLE,
FLORIDA**

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

April 21, 2022

Marvel Quevedo
1711 Hoffner Ave.
Belle Isle, FL 32809

RE: 1711 Hoffner Avenue

Dear Ms. Quevedo:

Thank you for reaching out to me. According to the Orange County Property Appraiser your property is zoned R-1-AA. It is consistent with the zoning of other properties adjacent to you. The property contains a commercial building which for many years was used a a professional office by the prior owner.

After reviewing your situation, the City decided that as long as the office continues as a professional office use then it can remain. A wide range of commercial uses are permitted in the commercial land use; however, the zoning category C-1 specifies uses that are consistent with the characteristics of the land and surrounding area. The City believes that the office is consistent; however, the office footprint cannot be expanded. The commercial building and its business shall only be utilized by the person(s) residing in the single family residence on the subject property.

A new single family home may also be added, and the house currently on the property used by the property owner while the new house is being constructed. At the time of completion, the current house will become non-conforming and may not be expanded.

Sincerely,

Bob Francis, ICMA-CM
City Manager



**CITY OF BELLE ISLE,
FLORIDA**

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February 4, 2019

W. Wayne Matthews, O.D.
1711 Hoffner Ave.
Belle Isle, FL 32809

RE: 1711 Hoffner Avenue

Dear Matthews:

Thank you for taking the time with me and showing me your property at 1711 Hoffner Avenue. It is truly an impressive piece of land. After reviewing your situation, the City decided that as long as the office continues as a professional office use then it can remain. A wide range of commercial uses are permitted in the commercial land use; however, the zoning category C-1 specifies uses that are consistent with the characteristics of the land and surrounding area. The City believes that the office is consistent; however, the office may be remodeled but the footprint cannot be expanded. The commercial building and its business shall only be utilized by the person(s) residing in the single family residence on the subject property.

A new single family home may also be added, and the house currently on the property used by the property owner while the new house is being constructed. At the time of completion, the current house will become non-conforming and may not be expanded.

Sincerely,

Bob Francis, ICMA-CM
City Manager

EXH-5.



Alison Yurko <ayurkolaw@gmail.com>

Fwd: Background Information for Lot Split Application for Marvel Quevedo; 1711 Hoffner Avenue; for distribution to Mayor and City Council and new City Manager prior to January 16, 2024 City Council Meeting

Alison Yurko <ayurkolaw@gmail.com>

To: Raquel Lozano <planner@belleislefl.gov>

Cc: Dan Langley <dlangley@fishbacklaw.com>, Marvel Quevedo <marvelq74@gmail.com>

Tue, Jan 9, 2024 at 1:51 PM

Raquel –

> 1. I am resending herewith a copy of the December 1, 2023 correspondence, including the completed survey with the full legal description included. We would appreciate you providing this email and the attachments to the Mayor and City Council and the new City Manager prior to their January 16, 2024 meeting.

2. We are also working on getting letters of no objection from adjacent property owners, which we hope to have in hand by January 16 or before.

> 3. I have also included a copy of section 50-32 of the Belle Isle City code. As we discussed, that section specifically defines "lot width" as being "the distance between the side lot lines, along a line drawn parallel to the front lot line measured at a distance from the front lot line equal to the greater of: i) the minimum front yard setback required for the applicable zoning district, and ii) a front yard setback establishing a greater distance than required by the applicable zoning district direct pursuant to a deed restriction granted by the property owner in favor of the city." Since we have no deed restriction imposing setbacks, the first part of this subsection would apply, and is easily met as evidenced by the survey.

>

> 4. This is an exceptionally large property, and, as such, presents a situation where the requirements discouraging "flag lots" are easily met. At almost 2 acres, it is almost large enough for a small pocket subdivision given that the R1- AA lot size requirements are only 10,000 square feet. As outlined in detail in the letter, it meets 15 street frontage requirement (See section 50-73 (b) (2)) and still meets the minimum lot width requirement and lot size and/or "yard" minimum requirement, as set forth in both the specific definitions of section 50-32 which govern lot splits, and the more general definitions found at section 43 of the Belle Isle City code.

5. I went back and reviewed the general definitions in section 43. I do not see a path whereby the definition of "lot frontage, residential" could be used to override the very clear wording of the section 50-32 definitions as analyzed and cited above. Section 50-32 is found under article II, entitled "Subdivision Regulations", and section 50-33 (1)c specifically addresses the procedure for a lot split. The specific 50-32 definitions applicable to the lot split determination would override the more general definitions in chapter 43 to the extent of any conflict. Note: I do not necessarily agree that there is even a conflict given that the definition of "lot depth" in the general definitions section 43 and those found in section 50-32 both use as their parameter a "property line", as does the definition of "yard" found in section 43.

6. We would also note that attempting to use the general definition of "lot frontage, residential" at section 43 of the code to divest a property owner of their entitlement to a second lot, even though they meet and exceed the minimum lot size, minimum lot width, and 15 foot street frontage requirement, could provide the basis for a claim under FS 70.001.

7. Finally, though not legally required, I have included a copy of a draft deed restriction that could be put of record to encumber the front lot, requiring that the non-residential use of the accessory office building ceases 10 years from the date of lot split approval. I had specifically discussed this several weeks ago with city attorney Dan Langley and was awaiting comments so we can finalize this document.

8. Thank you again for your cooperation and we look forward to seeing you all on January 16 at 6:30 and could be available to meet prior to that as needed. Ms. Quevedo has been waiting months to begin building her home on this property which she purchased in reliance on the prior written determinations by the City Manager. Each day is costing her additional emotional and financial hardship, so the sooner we can get this resolved the better.

>

>

> Alison Yurko

> Alison Yurko PA

> 407 340-7043