

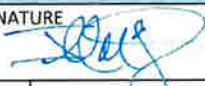


City of Belle Isle
1600 Nela Avenue, Belle Isle, FL 32809
Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov
Variance and Special Exception Application

JUN 22 '26 PM 3:01

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 Todd Zimmerman and Ronnie Zimmerman	OWNER SAME			
ADDRESS 6517 Cay Circle, Belle Isle, FL 32809	PROJECT ADDRESS SAME			
CONTACT NUMBER Todd's cell: (321) 228-1067	OWNER'S CONTACT NUMBER SAME			
EMAIL Todd@LaunchStrategiesandSolutions.com	OWNER'S EMAIL SAME			
PARCEL ID# 24-23-29-0600-01170				
LAND USE CLASSIFICATION	ZONING DISTRICT COBI Zoning District R-1-AA			
SECTION OF THE CODE VARIANCE REQUESTED ON 50-73 & 54-75	☒ Variance Fee \$300 ☐ Special Exception \$750			
DETAILED VARIANCE REQUEST For Zoning District R-1-AA, SEC 50-73 reflects a standard building rear setback of 35 FT. However, on Lake Conway, it is 50 FT from the Normal High Water Elevation (NHWE 86.9 contour line), which is shown in our plans. Our plans reflect the closest distance from this line to the proposed construction to be approx. 42 FT (balcony extension) and 46 FT to the covered roof to match the existing residence footprint. The existing shape at the lake is very irregular and the limit has been impacted by lake activity over the years along our lot and others nearby. We are merely trying to match the existing house facade and architecture.				
• 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 property deed restriction. • By applying, I authorize the 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 	OWNER'S SIGNATURE 			
☒ VARIANCE	☐ SPECIAL EXCEPTION	☐ OTHER	P&Z CASE NUMBER 2026-06-047	DATE OF HEARING 7-28-26

VARIANCE

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.
- 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.



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- 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 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.
- 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.

The Board shall find that the preceding requirements have been met by the applicant for a variance.

(2) *Violations of conditions.*

SPECIAL EXCEPTION

Applications submitted must meet all of the above criteria before the Board can grant a variance. The applicant bears the burden of proof that they 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 utilizing 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: 8 \$300 VARIANCE
\$750 SPECIAL EXCEPTION

Date Paid

6/22/26

check/Cash

147

Rec'd By

JD



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ABOUT YOUR PUBLIC HEARING

The following information is provided to assist applicants in applying for a variance, special exception, or use determination. 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. _____\$300 filing fee for a Variance: _____\$750 filing fee for a Special Exception
- 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 Lake Conway's Normal High Water Line elevation (NHWL).
- f. **A narrative addressing how the variance complies with the following:**

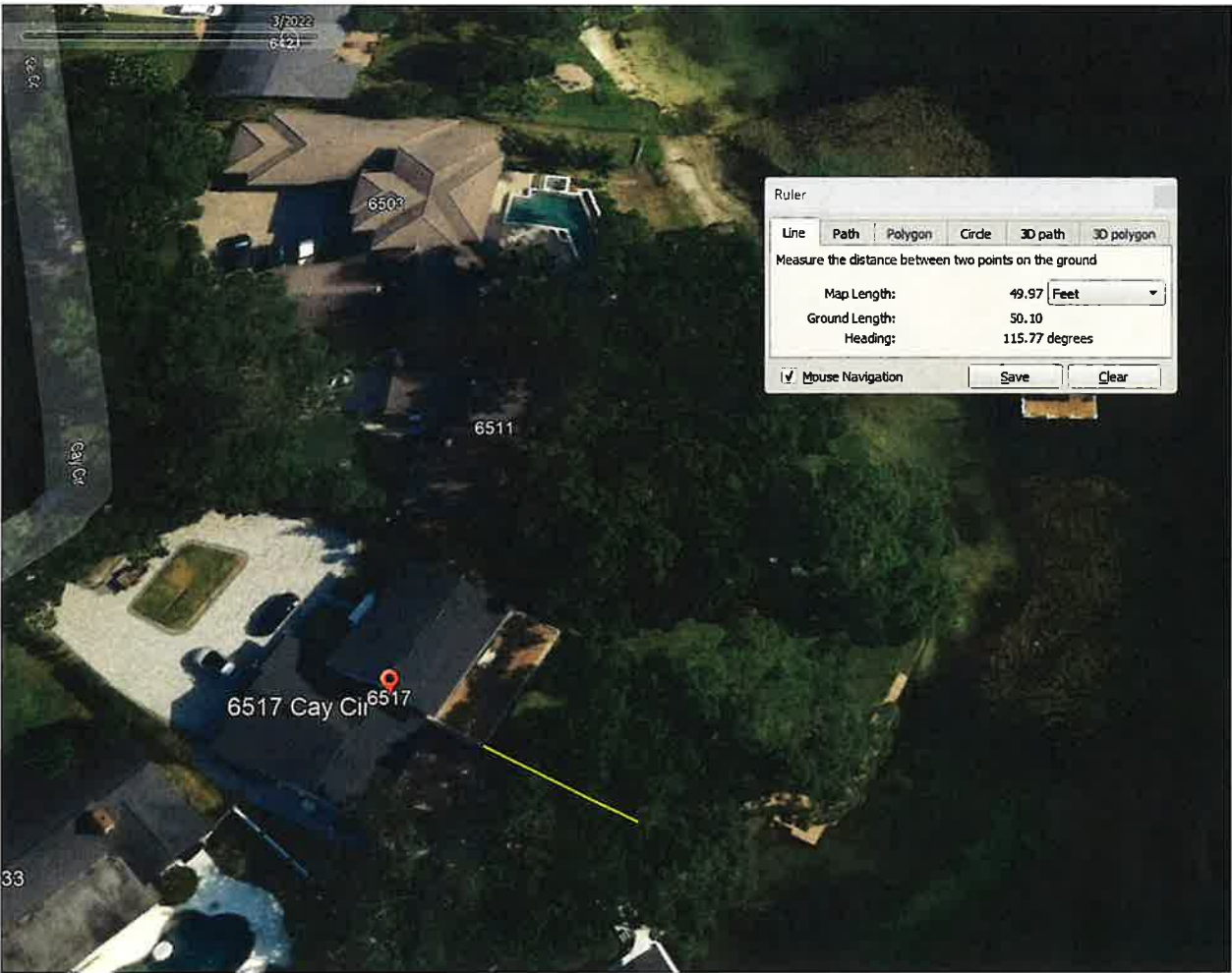
*Standards of Variance Justification	Section 42-64 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a separate typed or written document and submit it to the City as part of your variance request.
Special Conditions and/or Circumstances Section 42-64 (1) d	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.
Purpose and Intent Section 42-64 (1) g	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 variance will not be injurious to the neighborhood, detrimental to public welfare, or contrary to the public interest. 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).

*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 that for a fence variance, you do not have to comply with Sec. 42-64 (1) d and (1) f.



Approximate area of addition.

6517 Cay Circle – Supplemental pictures



Roof line from existing covered patio outward 50 FT – inside the 50 FT NHWE 86.9 contour line.

STANDARDS OF VARIANCE JUSTIFICATION

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

- a. 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.

i. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY?

1. *The standard setback for properties on the lake is 50 FT. If taken literally, this could have resulted in a design that was shaped like the lake. If this were to be built at the time the house was originally constructed, it's possible the rear setback could have been met. Lake use and other environmental events such as abnormally high wet seasons, hurricanes have impacted the shoreline and the 86.9 contour location.*

ii. WHAT WOULD BE THE UNNECESSARY HARDSHIP?

1. *If the variance isn't granted, the home could not be expanded as intended. A lower level of the home exists with a partial 2nd floor partial only. We desire to complete the 2nd floor and extend the balcony to match existing architectural features.*

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

- a. 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.

i. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?

1. *We purchased the property with an understanding that the 2nd floor could be built out to the limits of the existing uncovered 1st floor patio pavers. We did not check code at the time, granted. However, there's part of the existing balcony that we propose to connect to. By doing so trips the code in the direction we're extending only because of existing conditions of: (1) the structure itself; and (2) the irregular shoreline configuration. This proposed balcony fits the limits of the existing uncovered pavers.*



Addition side of property adjacent to neighbor's 'higher elevation' property where erosion has occurred. If measured from the neighbor's 86.9 contour at our common property line, we would not need to request a variance.

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

- a. 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.

i. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY?

1. *No, not as shown below in the alternate considerations.*

ii. LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.

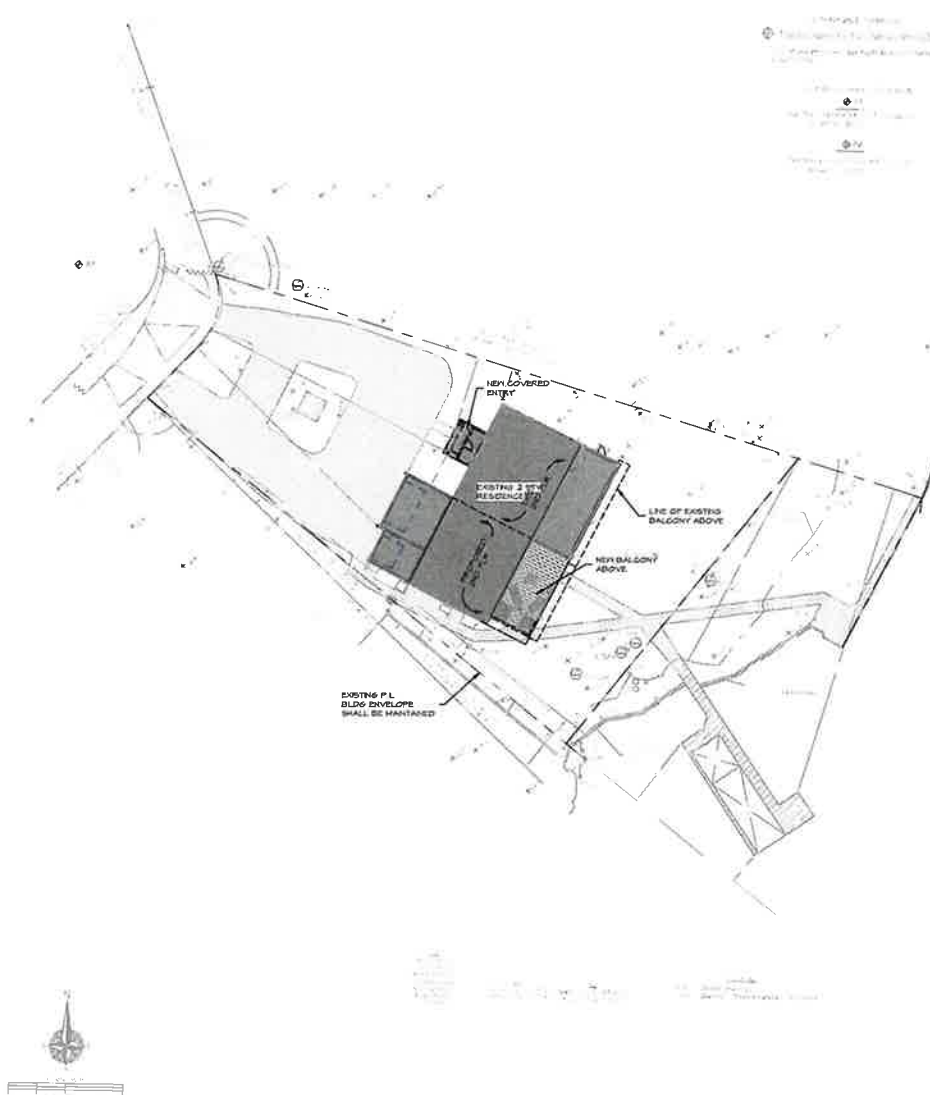
1. *Make the balcony the shape of the lake.*
 - a. *Not feasible for architectural and constructability reasons.*
2. *Reduce the limits of the 2nd floor balcony*
 - a. *This would create an awkward appearance from the existing 1st floor uncovered pavers discussed above. It would also introduce architectural asymmetry whereby the balcony would not 'fit' the extension of the second story lengthwise or widthwise. It would give an appearance of being incomplete (ie. they must have run out of money and couldn't finish). The use of the space would also be limited and not as intended.*
3. *Fill in the portion of the lake where the variance now occurs.*
 - a. *This is not cost effective nor is it an environmentally friendly solution.*

4. Purpose and Intent Section 42-64 (1) g

- a. 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 variance will not be injurious to the neighborhood, detrimental to public welfare, or contrary to the public interest.

i. 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).

1. *This variance request does not appear to have any adverse consequences. We are not proposing anything that would adversely impact neighbors. In fact, they like what we have done and have planned for our home and appreciate us talking to them openly and including them in our thoughts.*



1 SITE PLAN
A100
SCALE: 1" = 20'-0"
UPP. SHEET: A00A



NOTE:
THIS ARCHITECTURAL SITE PLAN IS FOR REFERENCE ONLY.
F.F.E. WILL NOT BE ALTERED AND EXISTING DRAINAGE PATTERNS
SHALL BE MAINTAINED UNALTERED. BUILDING ENVELOPE SHALL BE
MAINTAINED

JOHN D. YOUNGMAN
ARCHITECT AR 1601
42 EAST BRADLEY BLVD
LITTLE ROCK, AR 72202

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LITTLE ROCK, AR 72202
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OF JOHN D. YOUNGMAN ARCHITECT



BEYOND 2 DIMENSIONS, INC.
PLANNING DESIGN DRAWING
PROJECT COORDINATION
43 EAST BRADLEY BLVD
LITTLE ROCK, AR 72202
PH: 501-781-1111
FAX: 501-781-1112

ALTERATION AND ADDITION AT:
6517 CAY CIR BELLE ISLE FL.

DATE: 5/22/2006
SITE PLAN
PROJECT: 6517 CAY CIR BELLE ISLE FL
STATUS: ☐ PREPARED ☐ REVIEWED

REV	DESCRIPTION	DATE

PROJECT: 6517 CAY CIR BELLE ISLE FL
DATE: 5/22/2006
DRAWN BY: AD SHOWN
CHECKED BY: AUSTIN
DATE: 5/22/2006
PROJECT: 6517 CAY CIR BELLE ISLE FL

A100

THIS DOCUMENT HAS BEEN ELECTRONICALLY
SIGNED AND SEALED BY
JOHN D. YOUNGMAN ARCHITECT
ON 5/22/2006 AT 10:00 AM
IN THE STATE OF ARIZONA

THESE COPIES OF THIS DOCUMENT ARE NOT
CONTROLLED BY THE ARCHITECT
AND THE SIGNATURE MUST BE OBTAINED



