City of Belle Isle - Planning and Zoning Board Meeting January 26, 2021

ITEM 5

MEMORANDUM

TO:

Planning and Zoning Board

DATE:

January 15, 2021

PUBLIC HEARING CASE #2021-01-005 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (A) (6), (7), AND (D) (1) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A STRUCTURE TO BE LOCATED WITHIN THE REQUIRED SETBACKS FROM THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT RICHARD ANDERSON, LOCATED AT 3625 WATERS EDGE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1678-00-370.

Background:

- 1. On January 6, 2021, on behalf of the homeowner, Richard Anderson submitted a request, application and required paperwork.
- 2. A Notice of Public Hearing legal advertisement was placed in the Saturday, January 16, 2021, Orlando Sentinel.
- 3. Letters to the abutting property owners within 300 feet of the subject property were mailed on January 14, 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, the criteria of SEC. 50-102 (A) (6), (7), AND (D) (1) AND SEC. 42-64 of the Belle Isle Land Development Code having been met <u>TO APPROVE</u> A STRUCTURE TO BE LOCATED WITHIN THE REQUIRED SETBACKS FROM THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT RICHARD ANDERSON, LOCATED AT 3625 WATERS EDGE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1678-00-370.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code SEC. 50-102 (A) (6), (7), AND (D) (1) AND SEC. 42-64, AND SUBSECTIONS: having NOT been met TO DENY A STRUCTURE TO BE LOCATED WITHIN THE REQUIRED SETBACKS FROM THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT RICHARD ANDERSON, LOCATED AT 3625 WATERS EDGE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1678-00-370.

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.





January 15, 2021

Variance Application: 3625 WATERS EDGE DRIVE

Applicant Request: PUBLIC HEARING CASE #2021-01-005 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (A) (6), (7), AND (D) (1) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A STRUCTURE TO BE LOCATED WITHIN THE REQUIRED SETBACKS FROM THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT RICHARD ANDERSON, LOCATED AT 3625 WATERS EDGE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1678-00-370.

Existing Zoning/Use: Residential / Single-Family Home

This variance application seeks a variance as identified above. The applicant has provided supporting documentation addressing the variance criteria.

The application requests a variance from the 50-foot building setback from the Normal High Water Elevation (NHWE) for an addition to the primary residence that has already been constructed on the property.

Previously, the area was a porch. Now that it has become part of the primary building structure and enclosed as the kitchen for the house, it must conform to the 50-foot setback or receive a variance to be closer than 50 feet. The patio just beyond the kitchen also has a roof which must conform to the 50-foot setback or receive a variance. Because of these conditions, the necessary variance is 8.31 feet. The porch with the roof is 41.69 feet from the NHWE.

Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below.

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

The application requests a variance from the 50-foot building setback from the NHWE for an addition that has already been constructed on the property. The special condition with the subject property is that the rear property line is not parallel to the front property line. This results in a portion of the rear yard being closer to the Normal High Water Elevation.

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

The request for a variance is not self-created as the property lines

were drawn prior to the property owner seeking to convert the area to a kitchen and covered patio.

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

The requested variance is the minimum possible variance to make reasonable use of the land. The application does not seek to extend the existing development footprint closer to the water for the kitchen and covered patio but because the rear property line is at an angle, the side of the house where the kitchen and covered patio are located is closer to the NHWE and is how the 50-foot setback is encroached.

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

The requested variance is in harmony with the general purpose and intent of the Land Development Code and therefore is not injurious to the neighborhood, nor detrimental to the public welfare, and will not be contrary to the public interest. This is because the application does not seek to extend an existing footprint closer to the lake.

Staff provides a recommendation to approve the requested variance based on meeting all the above criteria. The Land Development Code provides in Sec. 42-64 (1) h. that unless all criteria are met, a variance should not be approved.

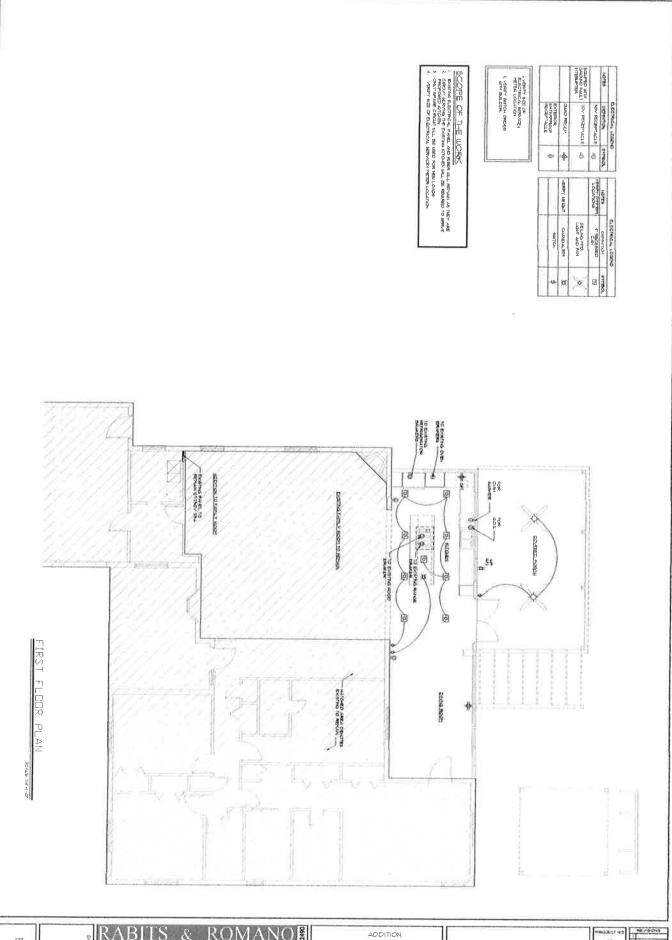
Additional Notes

Please note that the Board may approve the proposed variance 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 VARIAN	CE / SPECIAL EXCEPTION
DATE: 1/6/2021	P&Z CASE #: 2021-01-005
□ VARIANCE □ SPECIAL EXCEPTION □ OTHER	DATE OF HEARING: 1/26/2021
APPLICANT: Richard Andersow	OWNER: Pablo Rosenberg Revocable Trust
ADDRESS: 732 Cheviot CT	3625 WATERS Edge Dr
Apopta, FC 32712	Belle Is/c, FL 32812
PHONE: 407-280-1003	407-468-7678
PARCEL TAX ID #: 20-23-30-1678-0	
LAND USE CLASSIFICATION: 0/3/- SFR ZONII	NG DISTRICT: RIAM
high water mark on an	NAL front.
SECTION OF CODE VARIANCE REQUESTED ON:	2.64
The applicant hereby states that the property for which this he before the Planning and Zoning Board of the kind and type required to the filing of the application. Further that the requested to	earing is requested has not been the subject of a hearing
By submitting the application, I authorize City of Belle Isle e property, during reasonable hours, to inspect the area of my pro-	employees and members of the D&Z Board to onto any
Applicant shall provide a minimum of ten (10) sets of three (3) least one (1) photograph of the front of the property and at least area of the property to which the application applies.) photographs in support of this application as follows: at ast two photographs (from different angles) of the specific
Gehrles Cehr	
APPLICANT'S SIGNATURE OW	NER'S SIGNATURE
FOR OFFICE USE ONLY: FEE: \$150.00 Date Paid	Check/Cash Rec'd By
Determination	
Appealed to City Council: □ Yes □No Council Action:	



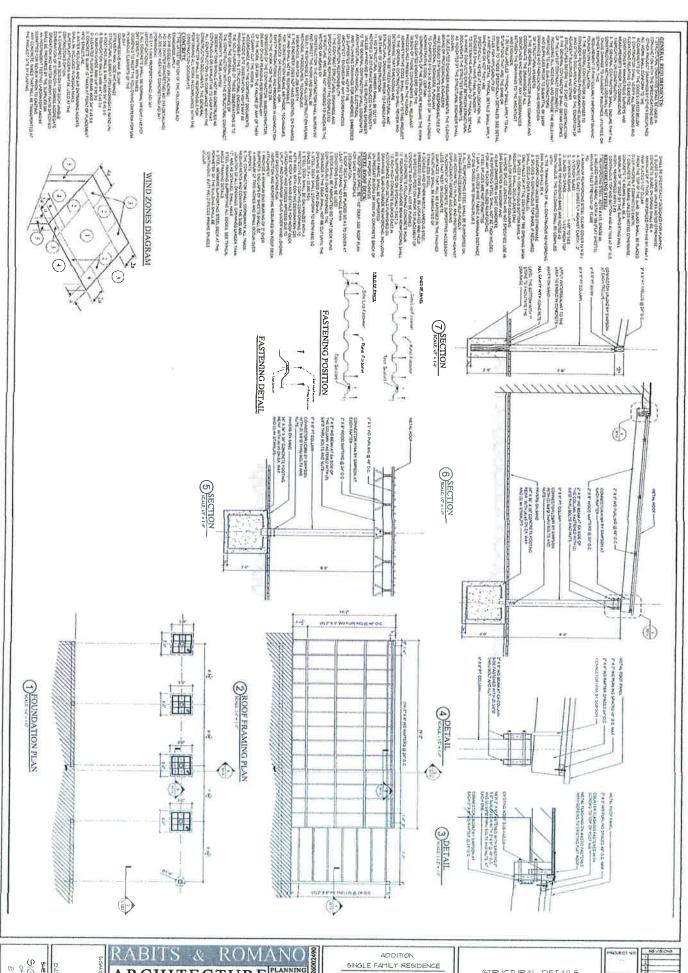
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ADDITION
SINGLE FAMILY RESIDENCE
3625 WATER EDGE DRIVE
ORLANDO R

ELECTRICAL PLAN

DATE D 1



3625 WATER EDGE

STRUCTURAL DETAILS



Detailed Variance Request: Pablo Rosemberg Revocable Trust 3625 Waters Edge Drive, Belle Isle

The owner is requesting a variance from the 50' building setback from the Normal High Water Elevation (NHWE). The special condition is that the rear property line is not parallel to the front property line. This results in a portion of the rear yard being closer to the Normal High Water Elevation. Additionally, the canal has created a uniquely configured lot as shown in the maps and survey.

The existing structure has been in place since approximately 2010 without any complaints from the neighbors. It has not had a deleterious effect on the neighborhood. Many of the adjacent homes are as close, and in some cases, closer to the Normal High Water Elevation. I have enclosed photos of the home as well as an overview of the adjacent properties in the neighborhood. Your consideration is greatly appreciated. Please grant this request for variance.

Rosemberg Variance Request - Application Supplement

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

The special condition to this property is the canal creates a property line that is not parallel to the front property line. The house was placed as close to the front property line as possible. This still creates a problem with a portion of the rear yard being closer to the Normal High Water Elevation.

Not Self-Created, Section 42-64 (1) e

The canal was existing and the property lines were already drawn when the building was purchased.

Minimum Possible Variance, Section 42-64 (1) f

The requested variance is the minimum possible variance to make reasonable use of the land. Because the rear property line is at an angle and the canal bisects the property, is the reason for the encroachment.

Purpose and Intent, Section 42-64 (1) g

The requested variance is in harmony with the general purpose and intent of the code and is not detrimental to the neighbors or neighborhood, public welfare and will not be contrary to public interests.



RICK SINGH, CFA - ORANGE COUNTY PROPERTY APPRAISER

Searches

Sales Search

日 Results

Property Record Card

A My Favorites

Sign up for e-Notify...

3625 Waters Edge Dr × 20-23-30-1678-00-370 >

Wame(s)

Pablo Rosemberg Revocable Trust

Jailing Address On File

C/O Pablo Rosemberg Trustee 3625 Waters Edge Dr Belle Isle, FL 32812-3513

Physical Street Address

3625 Waters Edge Dr

Postal City and Zipcode

Orlando, FI 32812

Property Use

0131 - Sfr - Canal Front

Municipality

Belle Isle



View 2020 Property Record Card

Property Features

Values, Exemptions and Taxes

Sales Analysis

Location Info

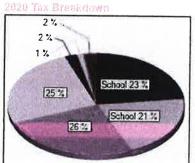
Market Stats

Update Information

Historical Value and Tax Benefits

Historical Value and Tax Benefits								las Homestoad in 2021			
Tax Ye	ar Values	Land		Bullding(s)		Feature(s)	Marke	t Value	Assesse	d Value	
2020	✓ MHCT	\$225,000	+	\$224,993	+	\$24,000	= \$473,993	(11%)	\$303,695	(23%)	
2019	✓ MUST	\$195,000	+	\$208,889	+	\$24,000	= \$427,889	(7,2%)	\$296,867	(1.9%)	
2018	✓ MAKE	\$170,000	+	\$205,212	+	\$24,000	= \$399,212	(.92%)	\$291,332	(2 1%)	
2017	✓ Med	\$170,000	+	\$201,559	+	\$24,000	= \$395,559		\$285,340		

Tax Ye	ar Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH Cap	Tax Savings
2020	✓ HX CAP	\$25,000	\$25,000	\$0	\$170,298	\$3,509
2019	✓ HX CAP	\$25,000	\$25,000	\$0	\$131,022	\$2,895
2018	✓ HX CAP	\$25,000	\$25,000	\$0	\$107,880	\$2,529
2017	✓ HX CAP	\$25,000	\$25,000	\$0	\$110,219	\$2,595



2020 Taxable Value and Certified Taxes

TAX YEAR	2020 •	2019 •	2018 •	2017
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Taxing Authority	Assd Value	Exemption	Tax Value	Milla	ge Rate	Taxes	%
Public Schools: By State Law (Rle)	\$303,695	\$25,000	\$278,695	3.6090	(-6.53%)	\$1,005.81	23 %
Public Schools: By Local Board	\$303,695	\$25,000	\$278,695	3.2480	(0 00%)	\$905.20	21 %
Orange County (General)	\$303,695	\$50,000	\$253,695	4.4347	(0.00%)	\$1,125.06	26 %
City Of Belle Isle	\$303,695	\$50,000	\$253,695	4.4018	(0.00%)	\$1,116.71	25 %
Library - Operating Budget	\$303,695	\$50,000	\$253,695	0.3748	(0.00%)	\$95.08	2 %
St Johns Water Management District	\$303,695	\$50,000	\$253,695	0.2287	(-5.26%)	\$58.02	1 %
Lake Conway Mstu	\$303,695	\$50,000	\$253,695	0.4107	(0.00%)	\$104.19	2 %
				16.7077		\$4,410.07	

2020 Non-Ad Valoreta Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - GARBAGE - (407)851-7730	1.00	\$252.84	\$252.84
CITY OF BELLE ISLE	BELLE ISLE STRM - DRAINAGE - (407)851-7730	1.00	\$120.00	\$120.00
		200 - 2		\$372.84

2020 Gross Tax Total: \$4,782.91

2020 Tax Savings Tax Savings Your property taxes without exemptions would be:

\$7,919.33 \$4,410.07

Your ad-valorem property tax with exemptions is:

1/7/2021 Printing



