

**ITEM 6**  
**MEMORANDUM**

**TO:** Planning and Zoning Board

**DATE:** January 15, 2021

PUBLIC HEARING CASE #2021-01-010 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-73 (A) TO ALLOW A VARIANCE FROM THE REQUIRED BUILDING SETBACKS, SUBMITTED BY APPLICANT MARK BRIDEWELL, LOCATED AT 1632 OVERLOOK ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL # 25-23-29-5884-11-021.

**Background:**

1. On December 15, 2020, Mark Bridewell 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, pursuant to Belle Isle Code SEC. 42-64 and FROM SEC. 50-73 (A) of the Belle Isle Land Development Code having been met **TO APPROVE** THE REQUIRED BUILDING SETBACKS, SUBMITTED BY APPLICANT MARK BRIDEWELL, LOCATED AT 1632 OVERLOOK ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL # 25-23-29-5884-11-021.

**SAMPLE MOTION TO DENY:**

"I move, pursuant to Belle Isle Code SEC. 42-64 and FROM SEC. 50-73 (A), 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, 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 REQUIRED BUILDING SETBACKS, SUBMITTED BY APPLICANT MARK BRIDEWELL, LOCATED AT 1632 OVERLOOK ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL # 25-23-29-5884-11-021.

**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

**January 15, 2021**

**Variance Application:** 1632 OVERLOOK ROAD

**Applicant Request:** PUBLIC HEARING CASE #2020-12-024 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-73 (A) TO ALLOW A VARIANCE FROM THE REQUIRED BUILDING SETBACKS, SUBMITTED BY APPLICANT MARK BRIDEWELL, LOCATED AT 1632 OVERLOOK ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL # 25-23-29-5884-11-021.

**Existing Zoning/Use:** Residential, R-1-A / 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 an 8.62-foot variance from the required 30-foot rear building setback in the R-1-A Zoning District for a proposed addition to the primary residence that would be 21.38 feet from the rear property line. The proposed addition is for second bathroom in the home that is ADA accessible for the property owners. Currently there is no ADA accessible bathroom in the home.

#### 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 30-foot rear building setback. The house is not built parallel to the property lines so the side where the bathroom is proposed would be closer to the rear property line.

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

The request for a variance is not self-created as the property does not currently have an ADA accessible bathroom. The applicants need an ADA accessible bathroom, and the addition is the only way they can achieve this.

**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 house is not built parallel to the property lines so the side where the bathroom is proposed would be closer to the rear property line. The proposed bathroom is a reasonable size for an ADA accessible bathroom. By locating on this side of the property, it still meets the required side yard setback. If it were to locate on the opposite side of the house, it would encroach into that side yard and be closer to the abutting property's house.

**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 addition is proposed for the rear of the property and does not negatively impact another property's view, light, or access.

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 VARIANCE / SPECIAL EXCEPTION 2021-01-010

DATE: 12/15/20

P&Z CASE #: 2020-17-024

VARIANCE  SPECIAL EXCEPTION  OTHER

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

APPLICANT: MARK BILDEWELL

OWNER: NORMAN: JANE LADBE

ADDRESS: 4856 LORRAINE Way  
Orlando, Fl. 32812

1632 OVERLOOK Rd  
Belle Isle, Fl. 32809

PHONE: 407-468-9669

407-579-7414 (JANE)

PARCEL TAX ID #: 25-23-29-5884-11-021

LAND USE CLASSIFICATION: R1-A ZONING DISTRICT: \_\_\_\_\_

DETAILED VARIANCE REQUEST: ADDITION OF 12'x15' BATHROOM OFF SOUTHEAST CORNER. ADDITION OF 10'x31.70" DECK OFF SOUTH (REAR) OF EXISTING STRUCTURE. DECK IS UNCOVERED.  
REAR SET-BACK VARIANCE OF 8'62" (Approx)

SECTION OF CODE VARIANCE REQUESTED ON: \_\_\_\_\_

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.

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

<b>FOR OFFICE USE ONLY:</b>	<b>FEE: \$150.00</b>	12/18/2020	#5692	HCP
		Date Paid	Check/Cash	Rec'd By
Determination _____				
Appealed to City Council: <input type="checkbox"/> Yes <input type="checkbox"/> No		Council Action: _____		

 **RICK SINGH, CFA - ORANGE COUNTY PROPERTY APPRAISER**

- [🔍 Searches](#)
- [🏠 Sales Search](#)
- [📄 Results](#)
- [📄 Property Record Card](#)
- [📌 My Favorites](#)

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**1632 Overlook Rd** < 25-23-29-5884-11-021 >

Name(s)	Physical Street Address
Labbe Norman P	1632 Overlook Rd
Labbe Jane I	Postal City and Zipcode
Mailing Address On File	Orlando, Fl 32809
3711 Quando Dr	Property Use
Belle Isle, FL 32812-2840	0103 - Single Fam Class III
<a href="#">Incorrect Mailing Address?</a>	Municipality
	Belle Isle



**View 2020 Property Record Card**

- [Property Features](#)
- [Values, Exemptions and Taxes](#)
- [Sales Analysis](#)
- [Location Info](#)
- [Market Stats](#)
- [🔄 Update Information](#)

**2021 values will be available in August of 2021.**

**Property Description**

[View Plat](#)

NELA ISLE M/55 THE ELY 1/2 OF LOT 2 & WLY 50 FT OF LOT 1 BLK K


**Total Land Area** 8,963 sqft (+/-) | 0.21 acres (+/-) [GIS Calculated](#) [Notice](#)

**Land**

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0100 - Single Family	R-1-A	1 LOT(S)	working...	working...	working...	working...

Page 1 of 1 (1 total records)

**Buildings**

Important Information		Structure				
	<b>Model Code:</b>	01 - Single Fam Residence	<b>Actual Year Built:</b>	1954	<b>Gross Area:</b>	1624 sqft
	<b>Type Code:</b>	0103 - Single Fam Class III	<b>Beds:</b>	2	<b>Living Area:</b>	1164 sqft
	<b>Building Value:</b>	working...	<b>Baths:</b>	1.0	<b>Exterior Wall:</b>	Concrete/Cinder Block
	<b>Estimated New Cost:</b>	working...	<b>Floors:</b>	1	<b>Interior Wall:</b>	Plastered

Page 1 of 1 (1 total records)

**Extra Features**

Description	Date Built	Units	XFOB Value
PT1 - Patio 1	01/01/2010	1 Unit(s)	working...

Page 1 of 1 (1 total records)

This Data Printed on 12/15/2020 and System Data Last Refreshed on 12/14/2020

12/18/20

Norman and Jane Labbe  
1632 Overlook Road  
Belle Isle, Florida 32809

Variance Request Application Supplement – Rear Setback Variance Request for added handicap accessible bathroom. New Rear setback to be approximately 21.38' at Southeast corner of the structure. All other setbacks to remain as required by Zoning.

- 1) Applicants are requesting the variance in order to install a larger, second, elderly accessible bathroom area due to the limited accessibility and location of the existing single bathroom currently in the structure. The existing bathroom due to its location in the home cannot be modified without severely impacting the structure.
- 2) As the applicants have aged, they can no longer access the current bathroom without additional help from other caregivers. Walkers and or wheelchairs are necessary at this time, so bathroom needs ADA accessibility.
- 3) Due to the current conditions of the home and property, this is the only feasible way to add a second handicap accessible bathroom.
- 4) The addition will have no effect on any of the adjacent properties. It will be, for the most part, hidden from view. The property (Lot 35, Block K) located at the rear setback appears to be vacant and that section of the property that would be affected does not appear to be buildable. Based on this the variance would not create a current or future hardship to any adjacent properties.

Thank you.

# PLAT OF BOUNDARY SURVEY

DESCRIPTION (As Furnished)

EASTERLY 1/2 OF LOT 2, 1/2 OF LOT 2, WESTERLY 50 FEET LOT 1 BLOCK "K" NELA ISLE, according to the plat thereof as recorded in Plat Book M, Page 55 of the Public Records of Orange County, Florida,

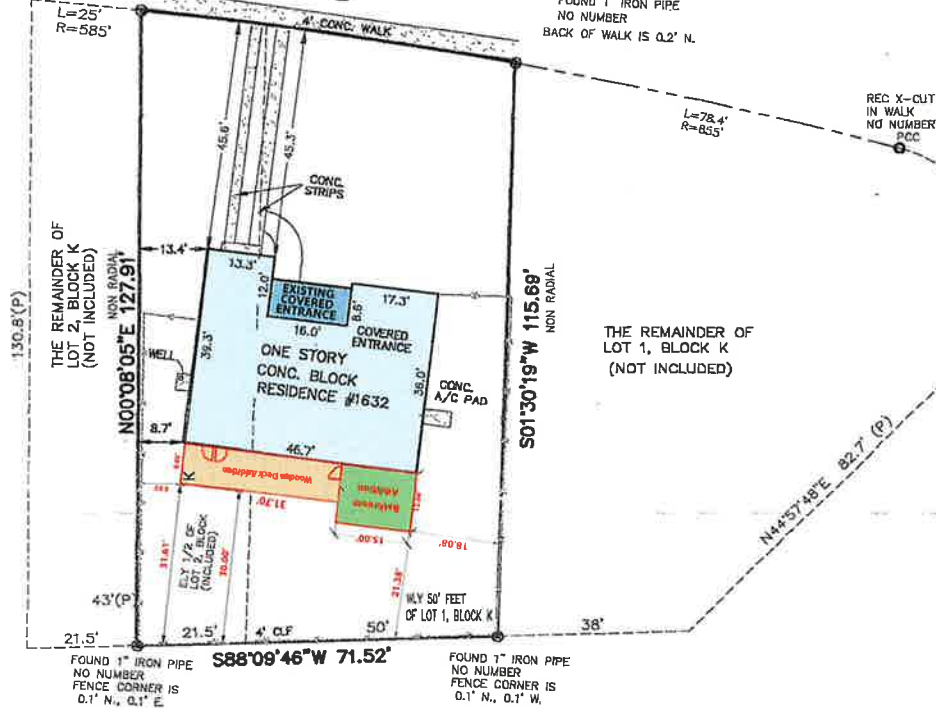


SCALE: 1" = 30'

FOUND 1" IRON PIPE  
NO NUMBER  
BACK OF WALK IS 0.2' N.

Asphalt Pavement  
50' PLATTED RIGHT OF WAY  
**OVERLOOK ROAD**

FOUND 1" IRON PIPE  
NO NUMBER  
BACK OF WALK IS 0.2' N.



①  
L=74.91'(M)  
R=855'  
Δ=4°27'30"

LOT 35, BLOCK K

CERTIFIED TO:  
LENA J. LABBE  
FIDELITY NATIONAL TITLE  
SUNTRUST MORTGAGE, INC.

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Orange County, Florida, Community Panel Number 120181 0430 E last dated 12/6/00, it appears from a scaling of said map that the land described hereon is shown to be in Zone "X", (AREA OF MINIMAL FLOODING)  
Said map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

- This Plat represents a Boundary Survey of the description as furnished Harrison Surveying and Mapping, Inc. per client's instruction and makes no claims regarding ownership or rights of possession.
- Bearings shown hereon are based on the EAST line of Lot 2, Being S 01°30'19" W, PER PLAT.
- This surveyor has not searched the public records or abstracted the land shown hereon for easements, right of ways, covenants and restrictions or other pertinent documents which may be found in the public records of this county. This research was not included in the scope of services of this firm.
- The relative distance accuracy for boundary dimensions shown hereon is in excess of 1 Foot in 10,000 Feet.
- Underground improvements and utilities have not been located.
- This survey performed by Harrison Surveying and Mapping, Inc. is for the singular use by the clients named hereon for the express stated purpose listed hereon. This drawing is not legally binding without my signature and original raised embossed seal. No third party is authorized to use this drawing in any way, and this surveyor shall not be held liable for damages resulting from the unauthorized or illegal executions or attempts at circumventing prescribed laws or professional fee payments. All plats, reports, notes, plans, specifications, computer files, field notes or data, other documents and instruments prepared by this firm as instruments of service shall remain the property of this firm. This firm shall retain all common law, statutory and other reserved rights, including the copyright thereto. The original of this drawing remains the property of Harrison Surveying and Mapping, Inc.

## REVISIONS AND ADDITIONS

NO.	DESCRIPTION	DATE

## LEGEND:

Δ	= Delta (Intersection Angle)		DENOTES CONCRETE
R	= Radius	WF	= Wood Fence
L	= Arc Length	(M)	= Measured
C.B.	= Chord Bearing	CBW	= Concrete Block Wall
Ch	= Chord Length	PI	= Point of Intersection
P.C.	= Point of Curvature	CNF	= Corner not found
P.T.	= Point of Tangency	ELY	= Southerly
P.B.	= Plat Book	NLY	= Northerly
Pg.(s)	= Page(s)	ELY	= Easterly
Conc.	= Concrete	WLY	= Westerly
C.L.F.	= Chain Link Fence	B.S.L.	= Building Setback Line
A/C	= Air Condition	CONC.	= Concrete
R/W	= Right-Of-Way		
(A)	= Actual		
(P)	= Plat		
⊕	= Centerline		
□	= REC		
○	= REC		
⊙	= OHUL DENOTES OVER HEAD UTILITY LINES		

DRAWING: 01-2481D.DWG SURVEY DATE: 10/06/01  
 INTENDED DISPLAY SCALE: 1" = 30' DRAWN: RT  
 EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES  
 IT IS CERTIFIED THAT THE SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 51G17-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 274.027, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER  
  
 DOUGLAS S. WILLIS, Florida Registration # 5984 FOR THE FIRM:

**HARRISON SURVEYING AND MAPPING, INC.**  
 PROFESSIONAL SURVEYORS AND MAPPERS  
 Certificate of Authorization #LB 6948  
 1104 Saddleback Ridge Road  
 Apopka, Florida 32703  
 Phone/Fax: (407) 880-0672  
 JOB NO. 01-2481D Sheet 1 of 1