
NOTICE OF PUBLIC MEETING

OCTOBER 22, 2019 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 5 MEMORANDUM

TO: Planning and Zoning Board

DATE: July 23, 2019

PUBLIC HEARING CASE #2019-07-043

Pursuant to Belle Isle Code Sec. 42-64 the Board shall consider and take action on a requested variance from Sec. 50-36, SEC. 54-82 (e), and sec. 54-82 (f) (3) to allow a building and site development of a Parking Business without being required to go through the site plan and development review process, and take action on a requested variance from Sec. 50-72 (A) (1) to not require a separate parking stall requirement for the office use on the property but to include the required number as part of the overall parking count on the site, and take action on a requested variance from Sec. 50-72 (d) (1), not requiring the off-street parking areas to be surfaced with a hard, dustless material; allow the widths of interior driveways to be less than 25 feet; and, allow parking stalls to be less than the required 9 feet by 20 feet, and take action on a requested variance from Sec. 50-76 to not require the development to meet Landscaping standards of the Code, and take action on a requested variance from Sec. 54-82(e) and Sec. 50-73 (a) for relief from building setback requirements, submitted by applicant William R. Hockensmith, Florida Engineering Group, Inc., located at 1900 Jetport Road, Belle Isle FL 32809, also known as Parcel # 31-23-30-0000-00-015.

Background:

4. On October 8, 2019, William R. Hockensmith-FEG Group submitted the application, fee and required paperwork.
5. A Notice of Public Hearing legal advertisement was placed in the Saturday, October 11, 2019, Orlando Sentinel.
6. Letters to the abutting property owners within 300 feet of the subject property were mailed on Friday, October 11, 2019.

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. 50-36, SEC. 54-82 (e), and sec. 54-82 (f) (3) to allow a building and site development of a Parking Business without being required to go through the site plan and development review process, and take action on a requested variance from Sec. 50-72 (A) (1) to not require a separate parking stall requirement for the office use on the property but to include the required number as part of the overall parking count on the site, and take action on a requested variance from Sec. 50-72 (d) (1), not requiring the off-street parking areas to be surfaced with a hard, dustless material; allow the widths of interior driveways to be less than 25 feet; and, allow parking stalls to be less than the required 9 feet by 20 feet, and take action on a requested variance from Sec. 50-76 to not require the development to meet Landscaping standards of the Code, and take action on a requested variance from Sec. 54-82(e) and Sec. 50-73 (a) for relief from building setback requirements, submitted by applicant William R. Hockensmith, Florida Engineering Group, Inc., located at 1900 Jetport Road, Belle Isle FL 32809, also known as Parcel # 31-23-30-0000-00-015.

Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.

NOTICE OF PUBLIC MEETING

OCTOBER 22, 2019 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

SAMPLE MOTION TO DENY:

"I move, 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 section 42-63, 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** SEC. 54-82 (e), and sec. 54-82 (f) (3) to allow a building and site development of a Parking Business without being required to go through the site plan and development review process, and take action on a requested variance from Sec. 50-72 (A) (1) to not require a separate parking stall requirement for the office use on the property but to include the required number as part of the overall parking count on the site, and take action on a requested variance from Sec. 50-72 (d) (1), not requiring the off-street parking areas to be surfaced with a hard, dustless material; allow the widths of interior driveways to be less than 25 feet; and, allow parking stalls to be less than the required 9 feet by 20 feet, and take action on a requested variance from Sec. 50-76 to not require the development to meet Landscaping standards of the Code, and take action on a requested variance from Sec. 54-82(e) and Sec. 50-73 (a) for relief from building setback requirements, submitted by applicant William R. Hockensmith, Florida Engineering Group, Inc., located at 1900 Jetport Road, Belle Isle FL 32809, also known as Parcel # 31-23-30-0000-00-015.

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.

ITEM 6

Other Business

ITEM 7

Adjournment

Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.



April Fisher, AICP
fisherpds@outlook.com
407-494-8789

October 11, 2019

Variance Application: 1900 Jetport Drive

Applicant Request: PUBLIC HEARING CASE #2019-07-043 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-36, SEC. 54-82 (E), AND SEC. 54-82 (F) (3) TO ALLOW A BUILDING AND SITE DEVELOPMENT OF A PARKING BUSINESS WITHOUT BEING REQUIRED TO GO THROUGH THE SITE PLAN AND DEVELOPMENT REVIEW PROCESS, AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-72 (A) (1) TO NOT REQUIRE A SEPARATE PARKING STALL REQUIREMENT FOR THE OFFICE USE ON THE PROPERTY BUT TO INCLUDE THE REQUIRED NUMBER AS PART OF THE OVERALL PARKING COUNT ON THE SITE, AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-72 (D) (1), NOT REQUIRING THE OFF-STREET PARKING AREAS TO BE SURFACED WITH A HARD, DUSTLESS MATERIAL; ALLOW THE WIDTHS OF INTERIOR DRIVEWAYS TO BE LESS THAN 25 FEET; AND, ALLOW PARKING STALLS TO BE LESS THAN THE REQUIRED 9 FEET BY 20 FEET, AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-76 TO NOT REQUIRE THE DEVELOPMENT TO MEET LANDSCAPING STANDARDS OF THE CODE, AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 54-82(E) AND SEC. 50-73 (A) FOR RELIEF FROM BUILDING SETBACK REQUIREMENTS, SUBMITTED BY APPLICANT WILLIAM R. HOCKENSMITH, FLORIDA ENGINEERING GROUP, INC., LOCATED AT 1900 JETPORT ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL # 31-23-30-0000-00-015.

Existing Zoning/Use: Industrial / Parking Business

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

Staff Recommendation

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

- A. Variance Request from Sec. 50-36, Sec. 54-82 (e), and Sec. 54-82 (f) (3) for the entire City Site Plan review process.
- B. Variance Request from Sec. 50-72 (a) (1) to not meet the required number of parking spaces required for an office use, not meet the minimum parking stall size, and not meet the required drive isle width.
- C. Variance Request from Sec. 50-76, to not provide any landscaping for the property.
- D. Variance Request 54-82 (e) and Sec. 50-73 (a) for relief from building setback requirements.

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

The application requests variances from the Site Plan review process. The conditions that apply to this property apply to all commercial properties in the

City that seek to develop a business or install commercial buildings through the building permit process. An application was approved by the City November 7, 2016 for a temporary construction trailer (please see attached permit approval). Temporary construction trailers are to be used for no longer than 180 days according to Sec. 54-151, unless extended one-time for a 90-day period by the City Manager. An extension request was not made.

In 2017, an application for a new carport structure was received by the City for this site. The application proposed to add a carport to the temporary construction trailer. Staff informed the applicant at that time, that the application could not be approved and that a site plan application would be required (please see attached email), and discussions continued that what had previously been approved was a temporary construction trailer. Since that time, the City has been working with the owner and tenant to try to bring the property and business into compliance, culminating in this variance application.

The variance application has not presented any supporting information that explains special conditions or circumstances peculiar to the land, structure, or building, that need relief from the Code required site plan for new buildings and development, and commercial business uses, or the other specified Code requirements.

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

The request for a variance is self-created as the application is seeking to continue to use what was approved as a temporary construction trailer as a permanent office building for a parking business. This building does not meet Code requirements for a permanent building regarding setbacks. The request to circumvent a site plan review process for this and the entire site development, and not meeting standard development criteria for parking lots, stalls, landscaping and building setbacks are self-created. There is nothing barring the applicant from going through the process and meeting the Code requirements.

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

The requested variance is ~~not~~ the minimum possible variance to make

reasonable use of the land. The application asks for multiple variances from Code requirements that could be complied with in some way as to not seek entire and/or substantial relief from the Code.

- The property is of a size that it can accommodate the required number of spaces required for an office use and general parking spaces for the business of car parking.
- Certain aspects of the landscaping requirements such as planting hedges or a limited number of trees can be achieved on the site.
- The application seeks to use mulch for parking areas on the site and states “considerable expense” as to why they are seeking not to pave the parking stalls of the parking lot area. This is not grounds for a variance as economic hardship is not a consideration. City staff has indicated millings for the entire parking lot, would be acceptable but not mulch as a permanent solution. To grant this, it would grant a right to this property not enjoyed by any other property in the City through the Code. Single-family residential properties are required to have hard, dustless parking surfaces as well.
- Temporary construction trailers are not required to meet the building setbacks established for a zoning district as they are not permanent buildings. Since this building was only permitted as a temporary construction trailer and not a permanent building, it may be possible to reposition it to meet the required setbacks. If it was built as a permanent building instead of a temporary construction trailer, this may be further code violation that would need to be addressed.

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

The requested variance is not in harmony with the general purpose and intent of the Land Development Code and therefore is injurious to the neighborhood, detrimental to the public welfare, and will be contrary to the public interest. The City’s Land Development Code serves to protect the entitlement rights of all properties in the City, establishing standards and

regulations applicable to every property with the same zoning designation.

This variance application seeks development rights that subvert the Land Development Code.

Staff provides a recommendation to not approve the requested variances based on not meeting the criteria. There are no special conditions/ circumstances, it is self-created, not the minimum possible variance to make reasonable use of the land; and does not meet the Purpose and Intent of the Code. 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

Universal Engineering Sciences 3532 Maggie Blvd., Orlando, FL 32811
Tel 407-581-8161 * Fax 407-581-0313 * www.universalengineering.com

Building Permit (Land Use) Application

DATE: _____

PERMIT # 2017-10-045

PROJECT ADDRESS 1900 Jetport Dr. Belle Isle, FL 32809 32812

PROPERTY OWNER LEGACY LAND LLC PHONE _____ VALUE OF WORK (labor & material) \$ _____

PLEASE LIST THE NATURE OF YOUR PROPOSED IMPROVEMENTS

Emp construction office trailer

Please provide information, if applicable.

- **SINGLE FAMILY RESIDENCE:** 8.5"x11" Plat Survey, Plot Plan of Home and Floor Plans of New Construction/Revision Required
- **BOAT DOCK:** DEP Clearance Required with Application (Call 407-897-4100); please provide a copy of their report
- **SEPTIC SYSTEM (RESIDENTIAL):** - Provide verification of OC Health Dept approval for on-site septic tank system, per FAC Chap. 64E-6
- Homeowners will be required to have a contractor on record for homes that are rented and/or not homestead

Please Complete for the City of Belle Isle Zoning Review: Parcel Id Number: 31-23-30-0000-00-015

To obtain this information, please visit <http://www.ocpafl.org/Searches/ParcelSearch.aspx>

SPECIAL CONDITIONS: STRUCTURES MAY NOT ENCROACH INTO ANY EASEMENT OR REQUIRED SETBACK. Survey specific foundation plan required to show compliance with zoning setbacks. Note: this Zoning Approval MAY or MAY NOT be in conflict with your Deed Restrictions. For New Single Family Residence, a Traffic Impact Fee and School Impact will be assessed.

PLANNING & ZONING APPROVAL: [Signature]
DATE _____

PLEASE COMPLETE for Building Review (min. of 2 sets of signed/sealed plans required)

CONSTRUCTION TYPE modular building

OCCUPANCY GROUP Comm Res: 1 Single Fam Multi Fam

#BLDG. _____ #UNITS _____ #STORIES 1 TOTAL SQ.FT. 1344

MAX. FLOOR LOAD _____ MAX. OCCUPANCY _____

MIN. FLOOD ELEV. _____ LOW FLOOR ELEV _____

WATER SERVICE Public WELL N/A SEPTIC N/A

BUILDING REVIEWER _____ DATE _____

VERIFIED CONTRACTOR'S LICENSE & INSURANCE ARE ON FILE _____ DATE _____

Per FSS 105.3.3:

An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."

Republic Services is by legal contract the sole authorized provider of garbage, recycling, yard waste, and commercial garbage and construction debris collection and disposal services with the city limits of the City. Contractors, homeowners and commercial businesses may contact Republic Services at 407-293-8000 to setup accounts for Commercial, Construction Roll Off, or other services needed. Rates are fixed by contract and are available at City Hall or from Republic Services. The City enforces the contract through its code enforcement office. Failure to comply will result in a stop work order.

Wind Exposure Category: B C D

SPRINKLERS REQ'D	Y	N	_____
If Required - SUBMIT COPY OF PLANS FOR FIRE REVIEW			
REVIEW	Date: Sent _____	RCD _____	
ZONING	Y	N	\$ _____
CERT OF OCC	Y	N	\$ _____
TRAFFIC	Y	N	\$ _____
SCHOOL	Y	N	\$ _____
FIRE	Y	N	\$ _____
SWIMMING POOL	Y	N	\$ _____
SCREEN ENCLOSURE	Y	N	\$ _____
ROOFING	Y	N	\$ _____
BOAT DOCK	Y	N	\$ _____
BUILDING	Y	N	\$ _____
WINDOW(S)	Y	N	\$ _____
DOOR(S)	Y	N	\$ _____
FENCE	Y	N	\$ _____
SHED	Y	N	\$ _____
DRIVEWAY	Y	N	\$ _____
OTHER	Y	N	\$ _____

3% FL SURCHARGE _____

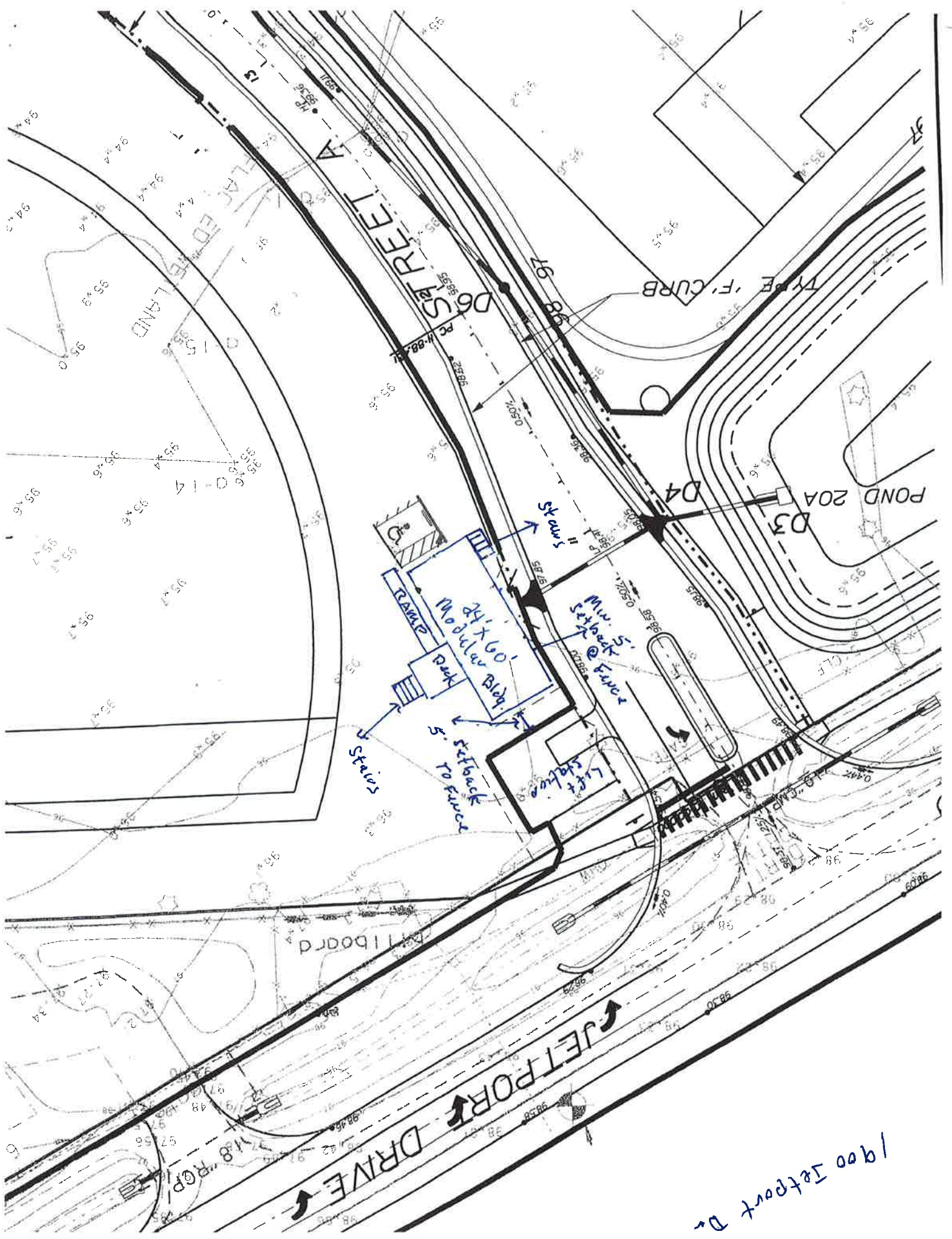
TOTAL _____

By Owner Form	Y	NA
Notice of Commencement	Y	NA
Power of Attorney	Y	NA
Contractor Packet Included?	Y	N

OTHER PERMITS REQUIRED:

ELECTRICAL	Y	NA
PREPOWER	Y	NA
MECHANICAL	Y	NA
PLUMBING	Y	NA
ROOFING	Y	NA
GAS	Y	NA

26
13
39



1900 Jetport Dr.

Re: **Permit #2017-05-031 Zoning Review**

1 message

April Fisher <aprilfisher73@gmail.com>

Wed, Jun 21, 2017 at 1:31 PM

To: "jpropps@buildfactorydirect.com" <jpropps@buildfactorydirect.com>, samrahim@parktofly.com
Cc: charpa@cfl.r.com, Yolanda Quiceno <yquiceno@belleislefl.gov>, Bob Francis <bfrancis@belleislefl.gov>, Robyn Winters <rwinters@belleislefl.gov>, Susan Manchester <SManchester@universaleengineering.com>, Heidi Peacock <hpeacock@belleislefl.gov>

Jeff and Sam,

I am responding to both of your emails and call with this one so that everyone has the same information. Within the I-2 zoning category a site plan approval from the planning and zoning board is required by City Code, whether a business or a new building is a tenant on the property or an owner, please see the code language below:

Sec. 54-82 (f) (3) each application for a building permit shall be accompanied by a site plan incorporating the regulations established herein. Such site plan shall be submitted to the board for review and approval. The board shall approve the site plan prior to the granting of a building permit. Upon such approval, said site plan becomes part of the building permit and may be amended only by the board.

In addition to this, with Jeff's email last night which stated, "this project all correlates to the previous permit approved earlier this year for this site, which had a similar outcome of a long dilapidated process. One would think that you or the decision makers would already be familiar with the site and the previous permit that had been approved." I look a look at what was approved last year. The approval from November 2016 was for a temporary construction trailer (Permit #2017-10-045), not a permanent building for the business. Because of this, the following applies to the modular building shown on your plans, which is the same in both applications- the one for your proposed carport/lawning and for the approved temporary construction office trailer:

Sec. 54-151 - Temporary structures

(a) All temporary structures, including mobile homes and travel trailers, may be used as construction field offices and tool sheds when accessory to the development of a subdivision or building, and shall be subject to the following regulations:

- (1) Such use shall be temporary and shall expire when 90 percent of the subdivision is completed or within one year, whichever comes first.*
- (2) In the case of individual permanent structures being erected on the same parcel of land, such temporary use shall not exceed 180 days or ten days after completion of the permanent structure, whichever comes first.*
- (3) Permits for temporary structures shall be obtained from the city manager. When such permits expire, they may be renewed by the city manager for a period not to exceed an additional 90 days. Upon expiration of any permit for a temporary structure, such structure shall be removed from the premises.*

A temporary structure permit does not authorize perpetual use as a permanent building. If you are intending to use the modular building as a permanent building or replace it with a permanent building, it will also be required to meet the requirements of Sec. 54-82 (f) (3) above for site plan approval. If your modular building is not being used as a temporary construction trailer as the permit approved, then it is in violation of the approved permit.

In case you do not have the November 2016 approval for the temporary construction office trailer application, I have attached it here. If you have another approval or permit I am not aware of, please send that to me. I have copied the City Manager, Bob Francis and the Code Enforcement Officer, Robyn Winters on this email as well. If you would like to meet with us to discuss how your temporary construction trailer and requested permit can come into compliance with the Code, we would be glad to meet with you.

Thank you,

April

April Fisher, AICP
Fisher Planning and Development Services
407-494-8789

On Tue, Jun 20, 2017 at 8:12 PM, jpropps@buildfactorydirect.com <jpropps@buildfactorydirect.com> wrote:

April,

Thanks for your reply. Due to the fact that you nor the City of Belle Isle has any other means to approve projects other than the variance, everyone in turn, is subjected to the fee and the arduous process of a BZA hearing to approve a simple project. Is that what I am understanding?

Therefore, we have no other option than the variance process, due to the fact that there is no other systematic approach to approve zoning decisions. Indicative of the fact that there is the one and only form in the City's website. What part of the project is so difficult? We are trying to put up a covered area to keep customers dry, not building the next shopping mall.

This project all correlates to the previous permit approved earlier this year for this site, which had a similar outcome of a long dilapidated process. One would think that you or the decision makers would already be familiar with the site and the previous permit that had been approved. This is merely an accessory to the existing approved infrastructure.

How long from when we fill out the form can we expect a decision to be made?

Sincerely,

Jeffrey M. Propps
President
Factory Direct, Inc.
Custom Metal Structures
www.BuildFactoryDirect.com

On Jun 20, 2017, at 5:00 PM, April Fisher <aprilfisher73@gmail.com> wrote:

Hi Jeffrey,

Thank you for the additional information. This will help in the site plan application process. Once you are ready to submit the completed site plan application, we can get your request scheduled for a planning and zoning board meeting.

Thank you,

April

April Fisher, AICP
Fisher Planning and Development Services
407-494-8789

On Tue, Jun 20, 2017 at 4:46 PM, <jpropps@buildfactorydirect.com> wrote:

April,

Wk. 2/10/2017 08:00 AM. 1000 Jetport Dr, permit, bldg (temp trailer), 2017-10-045.pdf
1783K

1900 Jetport Dr, permit, bldg (temp trailer), 2017-10-045.pdf
1783K

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: July 17, 2019

P&Z CASE #: 2019-07-043

VARIANCE SPECIAL EXCEPTION OTHER

DATE OF HEARING: _____

APPLICANT: Wm. R. Hockensmith

OWNER: Tim Kuck

Florida Engineering Group, Inc

ADDRESS: 5127 S. Orange Ave., Orlando, FL 32809

Legacy Land, LLC

whockensmith@feg-inc.us

2300 Jetport Drive

PHONE: 407 895-0324

Orlando, FL 32809

PARCEL TAX ID #: 31-23-30-0000-00-015

LAND USE CLASSIFICATION: Industrial ZONING DISTRICT: I-2

DETAILED VARIANCE REQUEST: Park To Fly parking. See attached list.

SECTION OF CODE VARIANCE REQUESTED ON: See attached.

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 [Signature] 7/18/19 Wm. R. Hockensmith OWNER'S SIGNATURE [Signature] Tim Kuck

FOR OFFICE USE ONLY:	FEE: \$150.00	<u>7/18/19</u> Date Paid	<u>#18751</u> Check/Cash	<u>Hlep</u> Rec'd By
Determination _____				
Appealed to City Council: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Action: _____				

Parcel ID Number: 31-23-30-0000-0015
Grantee #1 TIN:

Warranty Deed

This Indenture, Made this _____ day of July, 2000 A.D., Between ANGELO'S AGGREGATE MATERIALS, LTD., d/b/a ANGELO'S RECYCLED MATERIALS, a Florida limited partnership

_____, grantor, and LEGACY LAND, LLC, a Florida limited liability company,

whose address is: 280 West Canton Ave., Skunk Creek, FL

_____, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of _____ TEN & NO/100 (\$10.00) _____ DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate, lying and being in the County of ORANGE State of Florida to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

Subject to restrictions, reservations and easements of record, if any, which are not reimposed hereby, and taxes subsequent to December 31st, 1999.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever. In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written. Signed, sealed and delivered in our presence:

ANGELO'S AGGREGATE MATERIALS, LTD., d/b/a ANGELO'S RECYCLED MATERIALS
By: IAFRATE FLORIDA PROPERTIES, INC., GENERAL PARTNER
By: Christopher O. Corden (Seal)
CHRISTOPHER O. CORDEN
VICE PRESIDENT
P.O. Address 26400 SHERWOOD, WARREN, MI 48091

Paula L. Ceccardo
Printed Name: PAULA L. CECCARDO
Witness
Renee Neenham
Printed Name: RENEE NEENHAM
Witness

STATE OF Michigan COUNTY OF MACOMB

The foregoing instrument was acknowledged before me this _____ day of July, 2000 by CHRISTOPHER O. CORDEN, VICE PRESIDENT of IAFRATE FLORIDA PROPERTIES, INC., a FLORIDA corporation and a general partner of ANGELO'S AGGREGATE MATERIALS, LTD., d/b/a ANGELO'S RECYCLED MATERIALS, a Florida limited partnership, on behalf of the corporation and the partnership, who is personally known to me or who has produced his as identification.

This Document Prepared By:
REINHARD G. STEPHAN, ESQ.

2699 LEE RD, S-540
WINTER PARK, FL 32789

7-21-00
AMERICAN PIONEER
TITLE INSURANCE COMPANY
88 E. Semoran Blvd., #109-A
Casselberry, FL 32707

Stacey Ciaramitaro
Printed Name: STACEY CIARAMITARO
NOTARY PUBLIC
My Commission Expires:

STACEY CIARAMITARO
Notary Public, Macomb County, MI
My Commission Expires Apr 9, 2004

Recorded - Martha O. Haynie

EXHIBIT "A"

PARCEL A:

Commence at the Southwest corner of the Northwest 1/4, Section 31, Township 23 South, Range 30 East, Orange County, Florida; thence in a Northerly direction along the West line of the Northwest 1/4 of said Section 31 run North 00°01'53" East 44.12 feet to a point on the North Right-of-Way line of the SCL Railroad and U. S. Government Right-of-Way, said point being the Point of Beginning; thence along the north Right-of-Way of said railroad run South 74°39'13" East 684.11 feet to the Point of Curve, said curve being concave to the North, having a radius of 913.22 feet, a central angle of 32°27'06", a tangent of 265.76 feet, a chord bearing of North 89°07'14" East, a distance of 510.35 feet; thence along the arc of said curve run 517.24 feet to the Point of Tangent; thence run North 72°53'41" East 160.11 feet to the East line of the Northwest 1/4 of the Southwest 1/4 of said Section 31; thence along said East line run North 00°01'21" West 90.44 feet to the Northeast corner of the Northwest 1/4 of the Southwest 1/4 of said Section 31; thence along the East line of the Southwest 1/4 of the Northwest 1/4 run North 00°03'30" West 1326.46 feet; thence run South 89°33'56" West 72.03 feet to a point on the South Right-of-Way line of the Bee Line as recorded in State Road Book 3, at Pages 57 and 58, in the Public Records of Orange County, Florida; thence along the South Right-of-Way line of said Bee Line the following three courses: South 61°16'52" West 78.81 feet; North 28°44'13" West 9.98 feet; South 61°21'40" West 20.44 feet to the Point of Curve, being concave to the Northwest, having a radius of 5779.58 feet, a central angle of 12°26'24", a tangent of 629.00 feet, a chord bearing of South 67°32'08" West, a distance of 1262.38 feet; thence in a Southwesterly direction along the arc of said curve 1254.84 feet to a Point on Curve; thence departing Bee Line Right-of-Way run South 00°01'53" West 772.77 feet to the Point of Beginning.

PARCEL B:

The West 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 31, Township 23 South, Range 30 East, Orange County, Florida.

LESS the East 330 feet of the North 330 feet of the West 1/2 to the Southeast 1/4 of the Northwest 1/4 of Section 31, Township 23 South, Range 30 East in Orange County, Florida.

**PARK TO FLY
1900 JETPORT DRIVE
BELLE ISLE**

**VARIANCE JUSTIFICATION
OCTOBER 8, 2019**

HISTORY

The 2.5+ acre property is located at 1900 Jetport Drive and has served as an off-airport parking lot since 2014. The current tenant, Park To Fly, has leased this property and operated their parking lot at this location since 2016. Park To Fly has been in business locally since 1993.

The property is owned by Legacy Land (the Kuck family of Regal Marine Industries) and was designed in 2005-2006 for a future expansion of the Regal Marine manufacturing operations, a Life Center for Regal employees and a recreational field. The economic slow-down put those plans on hold so only the city street serving these properties was constructed. In 2006, the Florida Department of Transportation permitted and constructed the expansion of the Regal Marine storm pond to accommodate additional runoff from the Beeline Expressway.

The parking lot parcel is bordered by Jetport Drive & Enterprise Truck Rental on the north, the Regal Marine employee parking lot on the east and a city street on the south & west. The vacant land across the street is also owned by Legacy Land and includes their storm water pond, wetlands and a test lake for their boats.

As described in the attached letter from Regal Marine, they are requesting the use of this property be allowed to operate as a parking lot until they determine the best use for this property.

The following variances are requested:

VARIANCE REQUESTS:

Section 50-36: Improvements – *All plans for improvements shall be prepared by such engineer and prior to construction, must be reviewed by the City Engineer for conformance with the Land Development Code.*

REQUEST: The modular building was installed in 2017 and the parking lot improvements have occurred over time beginning with a previous tenant. The modular building was installed as a temporary office but the building was not approved through the zoning/site plan review process. A variance request is for the entire City Site Plan Review process.

Section 50-72: Off-Street Parking Lot Requirements.

(a) Quantity of off-street parking: Office building 1 per 200 square feet.



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(d) Design Standards: All required off-street parking areas shall be surfaced with a hard, dustless material.

(d) Parking stalls shall have a minimum width of nine feet and length of twenty feet, drive aisle 25' width.

REQUEST:

Quantity: For this 1,344 SF office, 7 parking spaces including one handicap accessible space shall be provided. This request is for the required number of office parking spaces together with the self-parking and valet parking stalls.

Surface Material: The parking lot drive aisles are constructed of millings creating a hard surface and the parking spaces are mulched. A variance request to the hard, dustless surface for the aisle & parking areas is requested.

Dimensions: Request variance to parking stall size (9' x 20') and drive aisle width (25'). The parking lot is primarily valet parking with the existing spaces approximately 8.8' x 19' with a 16'± wide drive aisle.

Section 50-76: Landscape Requirement: General requirements. *Unless otherwise exempted, all paved ground surface areas which require landscaping shall meet or exceed the following general landscaping requirements which shall be considered complementary to the landscaping provisions of any other city ordinance or resolution:*

a. Landscaped required. Landscaping shall be required under the following conditions:

1. Adjacent to public rights-of-way.

2. Between contiguous or adjacent developments or use areas.

3. Within interior areas such as:

i. Parking and vehicular use areas.

ii. Shopping center pedestrian walkways.

iii. Adjacent to building walls.

1. Wheel stops and curbs. All landscaped areas shall be protected from motor vehicular encroachment with effective wheel stops or curbs.

2. Irrigation. All landscaped areas shall be provided with a permanently-installed irrigation system providing adequate coverage.

Request: A variance is requested for this entire section including perimeter buffers, interior vehicle use area landscaping, wheel stops/curbing and irrigation.

Section 54-82(e): INDUSTRIAL DISTRICT I-2 SETBACKS

The required building setbacks are:

Front: 25' setback

Side Street: 15' setback

REQUEST: The following setback variances are requested for the current modular office and the proposed canopy at the vehicle drop-off area.



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Front: The modular office is located about 45' from the Jetport Drive right of way line but only about 7' from the public lift station property line. A variance of 18' (25' required – 7' existing) is requested for the office building and the proposed canopy from the lift station property line. The 25' building setback from the Jetport Drive right of way line will be provided for the canopy.

Side Street: The modular office building is approximately 14' from the side street right of way. A variance of 1' (15' required – 14' existing) is requested.

STANDARDS OF VARIANCE JUSTIFICATION

1. **SPECIAL CONDITIONS AND/OR CIRCUMSTANCES** – The applicant must prove 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 the building involved, including but not limited to the dimensions, topography or soil conditions. *Why are the special conditions and circumstances unique to your property? What would be the unnecessary hardship?*
 - Improvements (plan approval): The drive aisle milling and mulching have been ongoing to address City code enforcement issues and the office building was installed based on a City building permit. The proposed drop-off canopy will be installed over an existing paved drive aisle.
 - Parking Surface: The milling drive aisle placement started several years ago and the mulch for the parking spaces is a recent improvement. The customers drop off their vehicles in front of the office to board a shuttle bus and Park To Fly employees valet the cars into the mulch parking lots. The project meets the standard of one paved handicap accessible parking space. The requirement of the parking and aisle dimensions are not necessary for the valet parking.
 - Landscape Requirements: The site is located in an industrial zoned district and the adjacent Regal employee parking lot and Enterprise Rental are not landscaped.
 - Building Setbacks: The modular office building setback exceeds the 25' setback from the Jetport Drive right of way line. The front setback variance request is from the public lift station property line. The side street setback is less than one-foot difference than the requirement.

2. **NOT SELF CREATED** – The applicant must prove that the special conditions and circumstances do not result from the actions of the applicant. A personal (self-created) hardship shall not justify a variance, i.e. when the applicant by their own conduct creates the hardship alleged to exist, they are not entitled to relief. *How were the special conditions noted above created?*
 - Improvements (plan approval): Not applicable.
 - Parking Surface: The lot drive aisle (millings) have been placed over several years and the parking space mulch has been installed to address City code issues.
 - Landscape Requirements: The property has been used as a parking lot since 2014,

- prior to the current tenant/operator.
 - Building Setbacks: The building was installed and assumed to be installed in conformance with setback requirements.
3. **MINIMUM POSSIBLE VARIANCE** – The applicant must prove that the zoning variance is the minimum variance that will make possible the reasonable use of the land, building or structure. *Can you accomplish your objective in another way? List alternatives you have considered and evidence as to why they are not feasible.*
- Improvements (plan approval): Not Applicable.
 - Parking Surface: All the parking spaces and drive aisles would need to be paved to meet this code requirement together with inlets, pipes and an additional stormwater pond. This would be a considerable expense to construct and pave a parking lot for a leasing tenant. There are similar unpaved parking lots on the corner of Jetport Drive at South Orange Avenue and along North Frontage Road, both of which are outside the city limits. The millings provide a hard drive aisle surface.
 - Landscape Requirements: Installation of landscaping, irrigation, curbing/wheel stops, etc. would be a considerable expense for a tenant.
 - Building Setbacks: The office building is existing and the requested variance is for the current building location. The canopy will meet the 25' setback from Jetport Drive.
4. **PURPOSE AND INTENT** – 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 zoning variance will not be injurious to the neighborhood, not detrimental to the public welfare, and not contrary to the public interest. *What effects of approval of the variance have on the 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.*
- Improvements (plan approval): The millings and mulch have been discussed with the City staff to address code enforcement concerns. A SFWMD permit application has been submitted which will direct the site runoff to an existing Regal Marine stormwater pond. A city right of way use permit will be submitted to construct a storm pipe across the city street from the Park To Fly lot to the Regal storm pond.
 - Parking Surface: The milling surface/unpaved parking spaces is similar to other off-airport parking lot operations on Jetport Drive and North Frontage Road outside the city limits.
 - Landscape Requirements: The adjacent Regal employee parking lot is not landscaped.
 - Building Setbacks: The office building meets the required front setback from Jetport Drive but not from the city lift station site. The side street setback variance is less than one foot.

The requested variances will not be injurious or detrimental to the public welfare or public interests. The surrounding properties are industrial uses or vacant property also owned by Legacy Land.



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Paved Drop Off Area – Proposed Canopy Location



Milling Drive Aisle With Mulch Parking Spaces



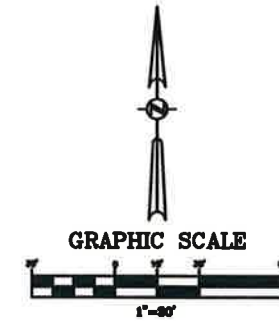
Office Front Setback from Public Lift Station



Office Side Street Setback from Street Right of Way

SITE DATA

PROPERTY LOCATION: 1900 JETPORT DRIVE, BELLE ISLE
 PARCEL NUMBER: 31-23-30-0000-00-015
 PROPERTY FUTURE LAND USE DESIGNATION: INDUSTRIAL
 PROPERTY ZONING: INDUSTRIAL
 EXISTING USE: OFF-AIRPORT PARKING
 PROPOSED USE: OFF-AIRPORT PARKING
 PARCEL AREA: 36.39 ACRES
 PROJECT AREA: 2.5± ACRES



SITE AREA CALCULATIONS

	PROPOSED	
BUILDING FOOTPRINT	0.03 AC.	1.2 %
PAVING	1.35 AC.	54.0 %
SIDEWALK	0.01 AC.	0.4 %
IMPERVIOUS AREA	1.39 AC.	55.6 %
MULCH PARKING	0.95 AC.	38.0 %
PERVIOUS AREA	0.16 AC.	6.4 %
TOTAL SITE AREA (EXCLUDES LEASED REGAL PARKING LOT)	2.50 AC.	100.0 %

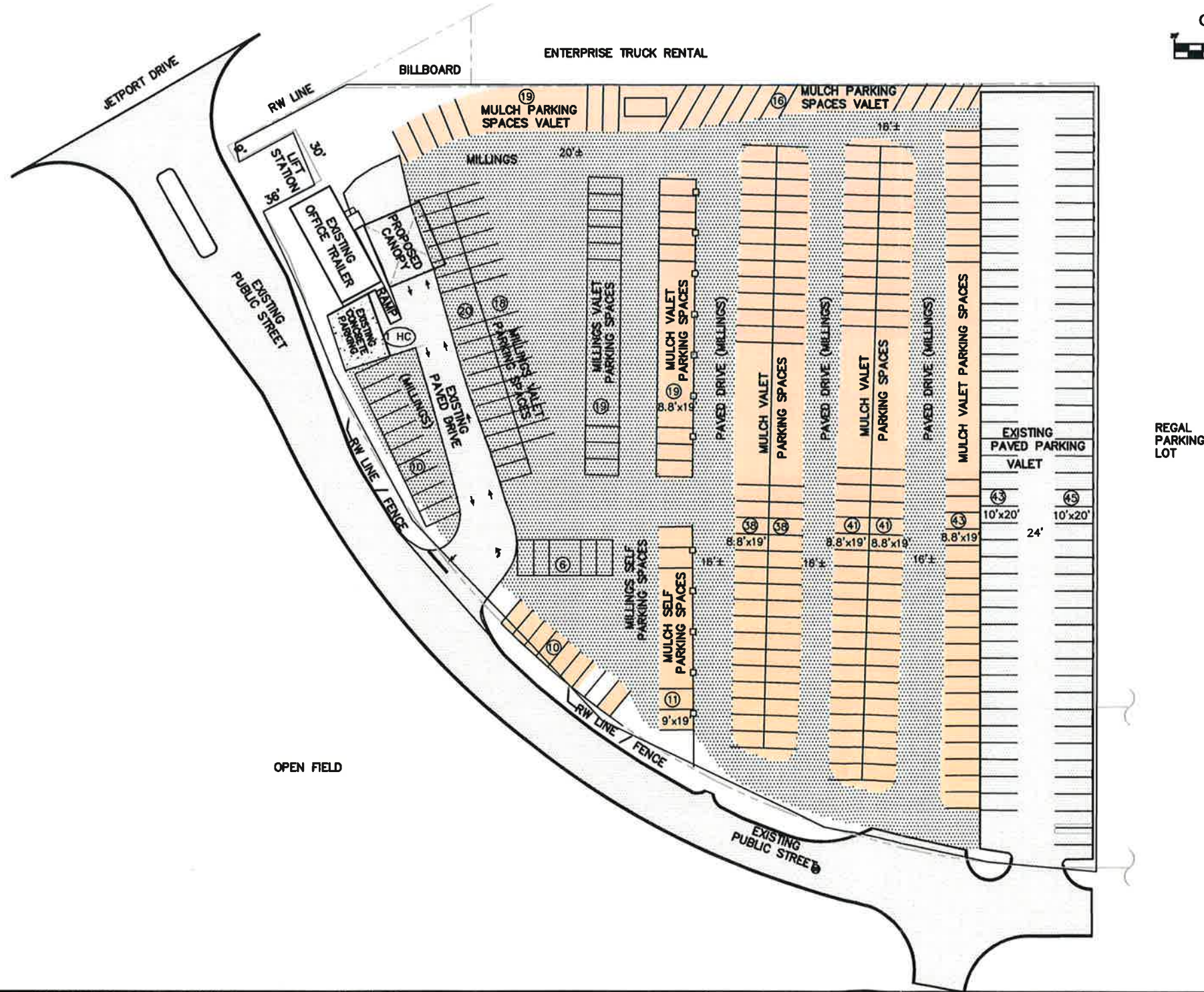
PARKING CALCULATIONS

REQUIRED: 1,344 SF OFFICE @ 1 PER 200 SF = 7 SPACES

PARKING PROVIDED:	
SELF PARKING	37 SPACES
VALET	400 SPACES
HANDICAP	1 SPACE
TOTAL	438 SPACES

SETBACKS

	FRONT	SIDE STREET
REQUIRED	25'	15'
JETPORT DRIVE (EXISTING)	45'±	N/A
LIFT STATION (EXISTING)	7'±	N/A
SIDE STREET (EXISTING)	N/A	14'±



AERIAL

DATE	REVISIONS	BY	CHECKED
07/19/2019	PER SPWMD COMMENTS DATED 07/05/2019	WRH	WRH

**PARK TO FLY
 DRAINAGE IMPROVEMENTS
 1900 JETPORT DRIVE
 BELLE ISLE, FLORIDA**

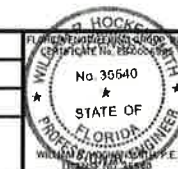


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SITE PLAN

DESIGNED BY WRH	DRAWN BY WRH	CHECKED BY WRH	APPROVED BY WRH
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PROJECT NO. 19-084
SCALE 1"=30'
DATE JUNE 13, 2019
SHEET NO. C-4
SHEET 4 OF 6



THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY (ENGINEER) P.E. ON (DATE) USING A DIGITAL SIGNATURE.
 PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.