
NOTICE OF PUBLIC MEETING

OCTOBER 22, 2019 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 4

MEMORANDUM

TO: Planning and Zoning Board

DATE: July 23, 2019

PUBLIC HEARING CASE #2019-10-007

Pursuant to Belle Isle Code Sec. 50-102 (A) (4), (7), and (8) and Sec. 42-64, the Board shall consider and take action on a requested variance to allow an open, Roofed porch within 50 feet of the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicants Joel and Sarah Richwagen located at 3520 Country Lakes Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-060.

Background:

1. On October 3, 2019, Joel and Sarah Richwagen submitted the application, fee and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, October 12, 2019, Orlando Sentinel.
3. 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. 50-102 (A) (4), (7), and (8) and Sec. 42-64 of the Belle Isle Land Development Code having been met TO APPROVE the variance to allow an open, Roofed porch within 50 feet of the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicants Joel and Sarah Richwagen located at 3520 Country Lakes Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-060.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code, Sec. 50-102 (A) (4), (7), and (8) and Sec. 42-64, 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 the variance to allow an open, Roofed porch within 50 feet of the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicants Joel and Sarah Richwagen located at 3520 Country Lakes Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-060.

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.

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: 3520 Country Lakes Drive

Applicant Request: PUBLIC HEARING CASE #2019-10-007 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (A) (4), (7), AND (8) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW AN OPEN, ROOFED PORCH WITHIN 50 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANTS JOEL AND SARAH RICHWAGEN LOCATED AT 3520 COUNTRY LAKES DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-4980-00-060.

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.

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 Normal High Water Elevation. The special condition with the subject property is that the property is located on a canal and has a shorter backyard distance from the building to the Normal High Water Elevation than other similar properties.

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 add the roofed, open porch.

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 patio closer to the water for the roofed, open porch.

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

The requested variance is in harmony with the general purpose and intent of

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 9/6/19

P&Z CASE #: 2019-10-007

VARIANCE SPECIAL EXCEPTION OTHER

DATE OF HEARING: _____

APPLICANT: JOEL & SARAH RICHWAGEN

OWNER: SAME AS APPLICANT

ADDRESS: 3520 COUNTRY LAKES DR.

joel@vininc.com

BELLE ISLE, FL 32812

PHONE: 407-451-1103

PARCEL TAX ID #: 20-23-30-4980-00060

LAND USE CLASSIFICATION: RESIDENTIAL ZONING DISTRICT: RN (RESIDENTIAL NEIGHBORHOOD)

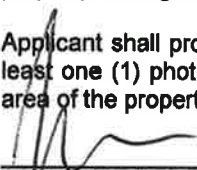
DETAILED VARIANCE REQUEST: PLEASE SEE ATTACHED DRAWINGS FOR BUILDING TOWARDS THE CANAL ON LAKE CONWAY. ACCORDING TO MY ARCHITECT, A VARIANCE IS REQUIRED IN ORDER TO PULL PERMITS FOR THIS.

SECTION OF CODE VARIANCE REQUESTED ON: 42-64 LAND DEVELOPMENT CODE

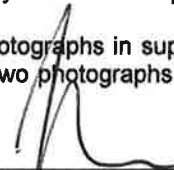
The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested 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

FOR OFFICE USE ONLY: FEE: \$150.00

10/03/19 CHK #1053 Hkp
Date Paid Check/Cash Rec'd By

Determination _____

Appealed to City Council: Yes No Council Action: _____

RICHWAGEN VARIANCE REQUEST- APPLICATION SUPPLEMENT

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

The special condition unique to our Property is the Canal running parallel to our backyard. We would like to build an Open Porch under a Gable Roof and Open Porch under Momo Slope Roof on our existing patio in our backyard, to provide shade and weather protection. Our Architect informs us a Variance would be required to pull permits to build this, due to the proximity of the Canal.
- **Not Self-Created, Section 42-64 (1) e**

The canal was existing when we purchased the home.
- **Minimum Possible Variance, Section 42-64 (1) f**

An alternative would be a Free-Standing Structure to provide Shade or a Retractable Awning, but these options cannot withstand the weather conditions that we are prone to, and do not provide enough shade for the size of the patio where we need coverage.
- **Purpose and Intent, Section 42-64 (1) g**

We have already removed an existing Pool Screen Enclosure that extended the same distance that the covered Porch will. Building this Covered Porch areas on our Patio will not affect or hinder the view to surrounding areas for neighbors. It will not affect use of adjacent property, pedestrian safety or the health or welfare of any other persons.

Actual consideration paid is \$355,000.00

This Document Prepared By and Return to:

Bianca Ortiz
City Title Services
540 E. Horatio Ave. Ste. 101
Maitland, Fl. 32751

Parcel ID Number: 20-23-30-4980-00060

Warranty Deed

This Indenture, Made this **8th** day of **April**, 2016 A.D., **Between**
MaryKate B. Posada, Individually and The Successor Trustee of the
EllenJane T. Cantelo Living Trust under Trust Agreement dated
March 28, 2014

***Property does not constitute the homestead of Grantor nor their**
Spouse

of the County of **Orange**, State of **Florida**, grantor, and
Joel Richwagen and Sarah Richwagen, Husband and Wife

whose address is: **3520 Country Lakes Drive, Belle Isle, Fl 32812**

of the County of _____, State of **Fl 32812**, grantees.

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----**TEN DOLLARS (\$10)**----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEES and GRANTEES' heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of **Orange** State of **Florida** to wit:
Lot 6, The Landings at Lake Conway, as per plat thereof, recorded in
Plat Book 9, Page 125, of the Public Records of Orange County,
Florida


Warranty Deed - Page 2

Parcel ID Number: 20-23-30-4980-00060

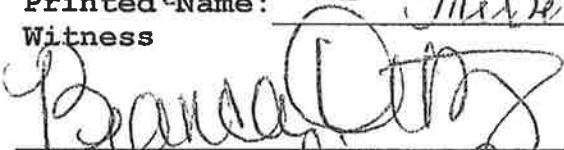
In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

MaryKate B. Posada, Individually and The Successor
Trustee of the EllenJane T.
CanteloLiving Trust under Trust
Agreement dated March 28, 2014


Printed Name: Jill C. DeHoop
Witness

By: MaryKate B Posada (Seal)
MaryKate B. Posada
Individually and Successor Trustee
P.O. Address:

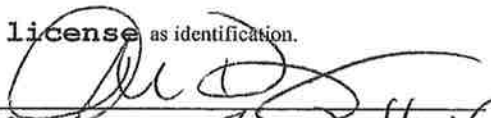

Printed Name: Bianca Ortiz
Witness

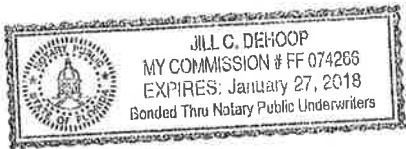
(Corporate Seal)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 8th day of April, 2016 by
**MaryKate B. Posada, Individually and The Successor Trustee of the
EllenJane T. Cantelo Living Trust Under Trust Agreement Dated March
28, 2014**

who is personally known to me or who has produced his **Florida driver's license** as identification.


Printed Name: Jill C. DeHoop
Notary Public
My Commission Expires:



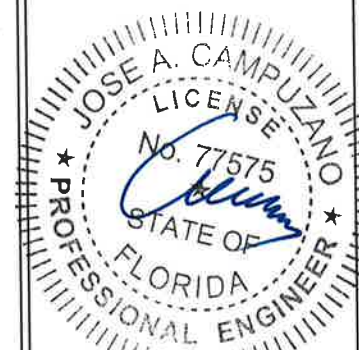


PROJECT:
VARIANCE APPLICATION DRAWINGS
RICHWAGEN RESIDENCE
3520 COUNTRY LAKES DRIVE
BELLE ISLE, FL

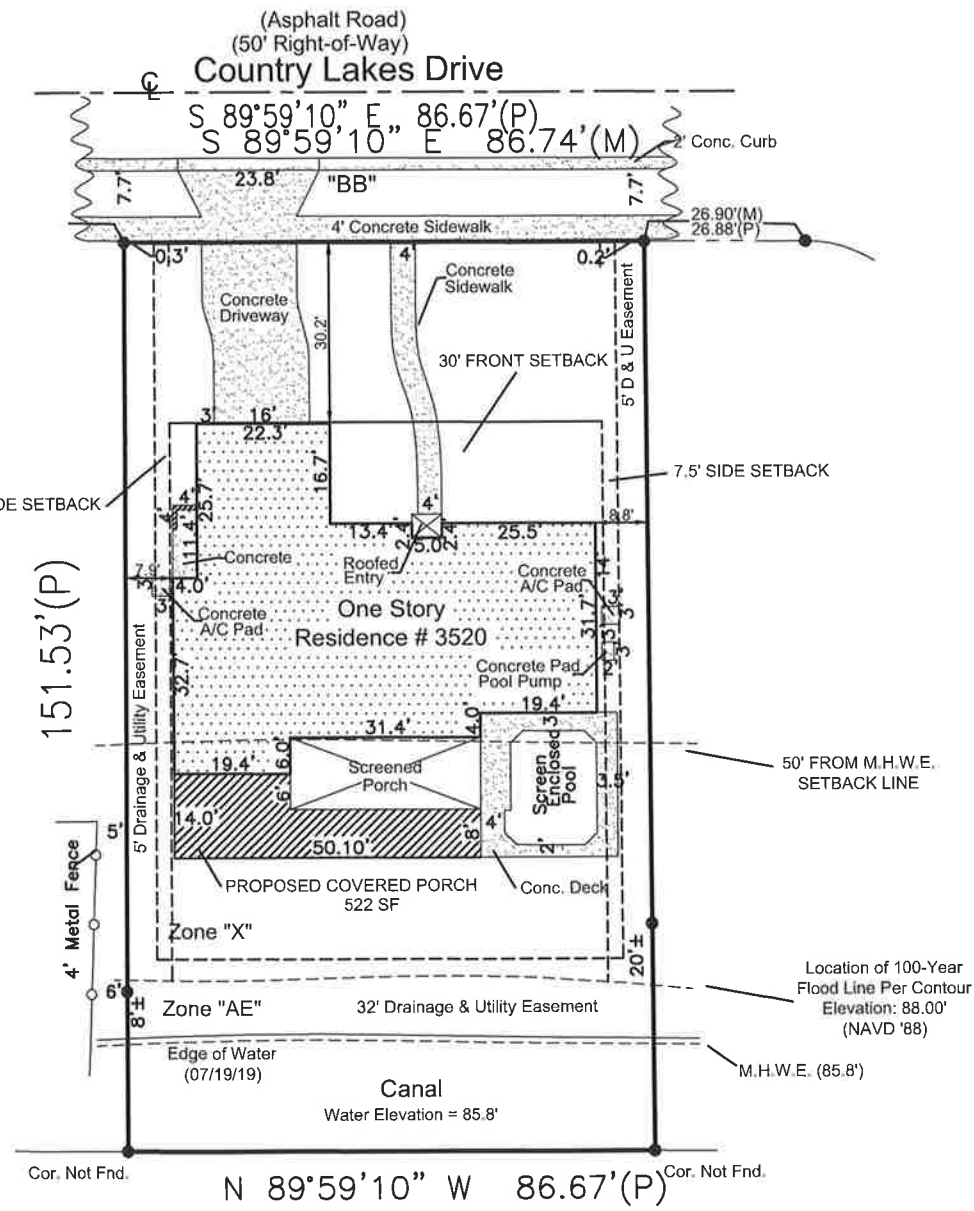
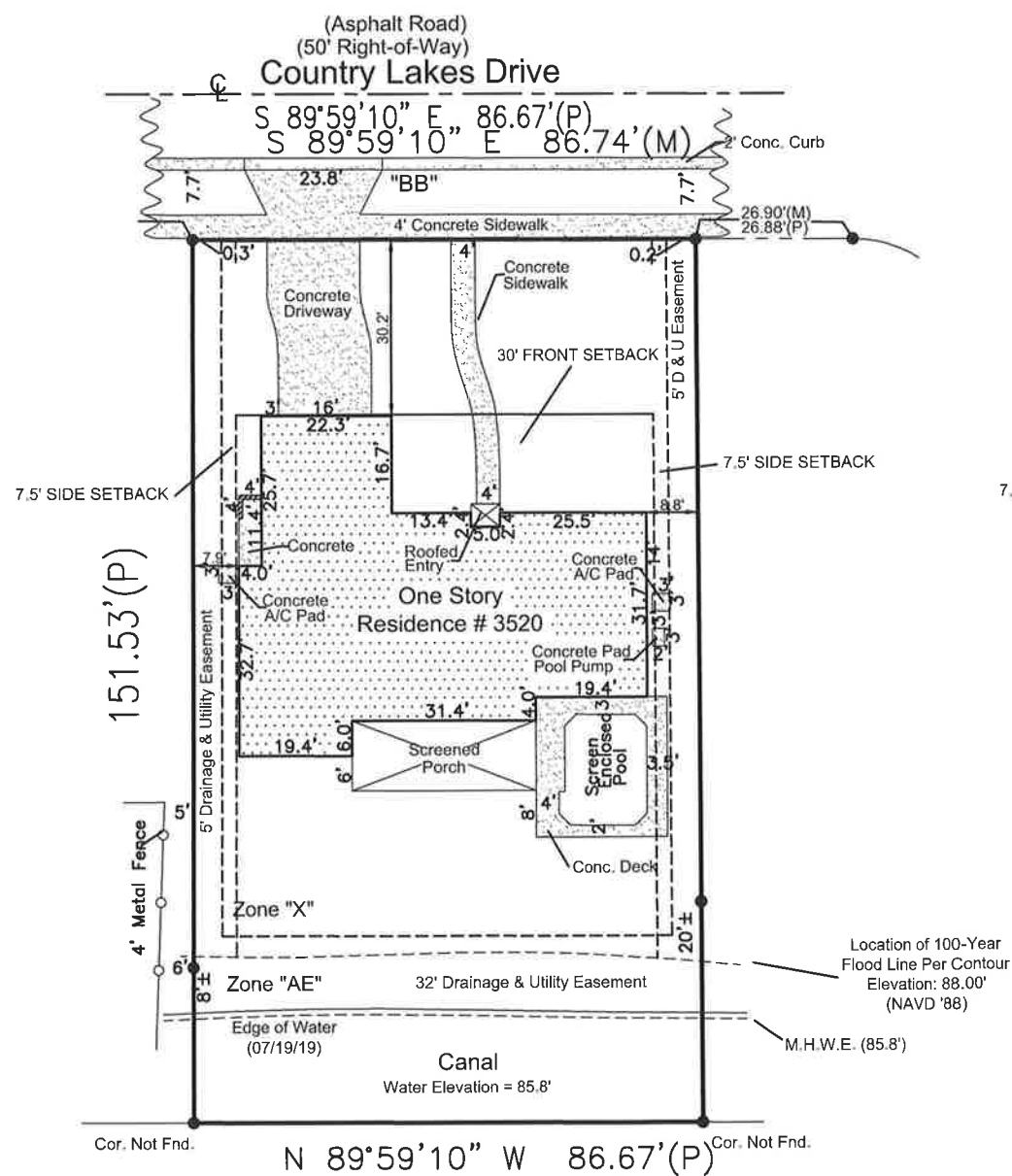


PROJECT:
 VARIANCE APPLICATION DRAWINGS
 RICHWAGEN RESIDENCE
 3520 COUNTRY LAKES DRIVE
 BELLE ISLE, FL

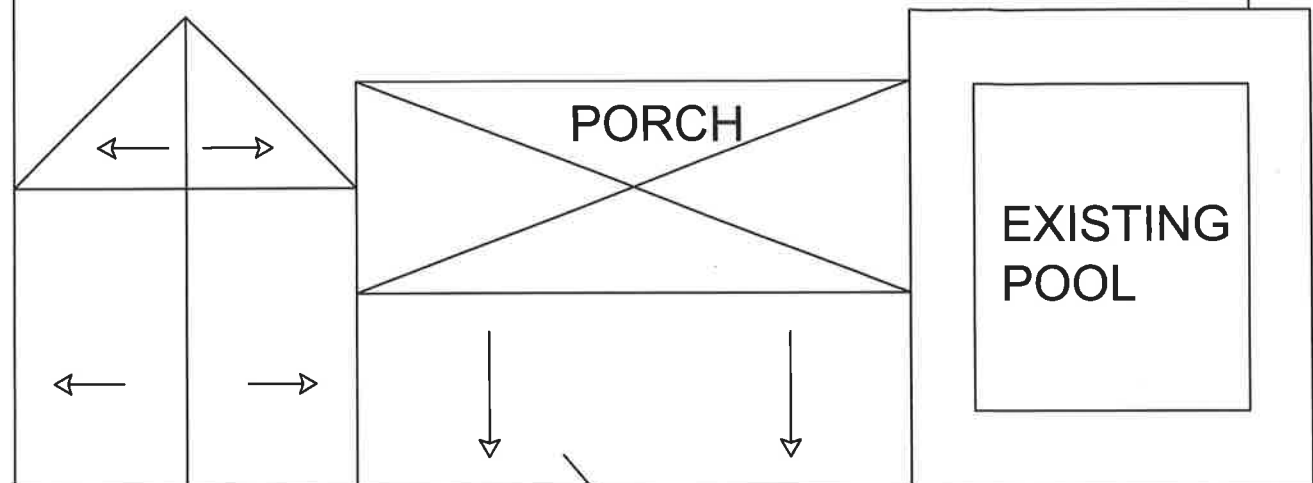
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08/12/2019



ONE STORY BLOCK
RESIDENCE #3520

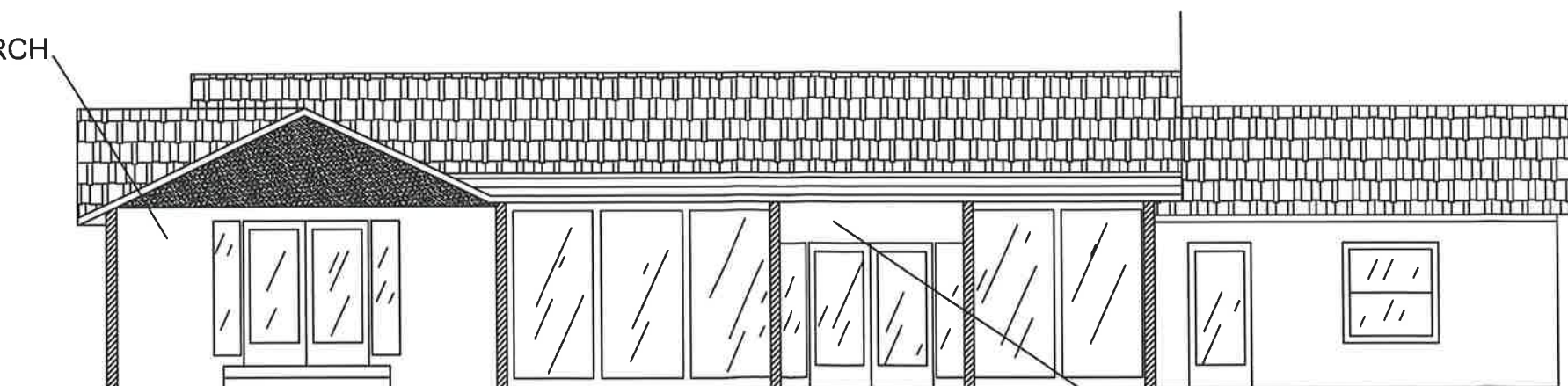


MONO SLOPE ROOF

GABLE WITH PITCHED ROOF

PARTIAL SITE PLAN
SCALE: 3/32" = 1"

PROPOSED OPEN PORCH
UNDER GABLE ROOF



PROPOSED REAR ELEVATION
SCALE: 1/8" = 1"

PROPOSED OPEN PORCH
UNDER MONO SLOPE
ROOF



PROJECT:
VARIANCE APPLICATION DRAWINGS
RICHWAGEN RESIDENCE
3520 COUNTRY LAKES DRIVE
BELLE ISLE, FL

JOB #: 19027

DATE: 8-12-19

PAGE: 2 PLAN/ELEV

