
NOTICE OF PUBLIC MEETING

OCTOBER 22, 2019 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 3 MEMORANDUM

TO: Planning and Zoning Board

DATE: October 22, 2019

Public Hearing Case #2019-10-006 - 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 a roof extension and summer kitchen addition on an existing patio within 50 feet of the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicant Kurt Weber located at 1426 Belle Vista Drive, Belle Isle, FL 32809 also known as Parcel #24-23-29-5306-01-110.

Background:

1. On October 3, 2019, Kurt Weber submitted the application 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 a roof extension and summer kitchen addition on an existing patio within 50 feet of the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicant Kurt Weber located at 1426 Belle Vista Drive, Belle Isle, FL 32809 also known as Parcel #24-23-29-5306-01-110.

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 proposed variance to allow a roof extension and summer kitchen addition on an existing patio within 50 feet of the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicant Kurt Weber located at 1426 Belle Vista Drive, Belle Isle, FL 32809 also known as Parcel #24-23-29-5306-01-110.

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: 1426 Belle Vista Drive

Applicant Request: PUBLIC HEARING CASE #2019-10-006 - 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 A ROOF EXTENSION AND SUMMER KITCHEN ADDITION ON AN EXISTING PATIO WITHIN 50 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT KURT WEBER LOCATED AT 1426 BELLE VISTA DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #24-23-29-5306-01-110.

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 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 add the summer kitchen.

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 summer kitchen but because the rear property line is at an angle, taking the covered area wider across the back of the house 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 the existing patio closer to the lake.

Staff provides a recommendation to approve the requested variance based on meeting all of 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

DATE: 10-3-19

P&Z CASE #: 2019-10-006

VARIANCE SPECIAL EXCEPTION OTHER

DATE OF HEARING: _____

APPLICANT: Kurt Weber

OWNER: Kurt Weber

ADDRESS: 1426 Belle Vista Dr.
Orlando FL 32809

PHONE: 407 230 0124

email: kweber23@gmail.com

PARCEL TAX ID #: 24-23-29-5306-0110

LAND USE CLASSIFICATION: 0104 - Single Fam ZONING DISTRICT: R1 AA

DETAILED VARIANCE REQUEST: Class IV

see Attached documentation. Requesting variance on
setback from high watermark to place roof
over existing pool deck and proposed summer kitchen

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.

KWeil
APPLICANT'S SIGNATURE

KWeil
OWNER'S SIGNATURE

FOR OFFICE USE ONLY:	FEE: \$150.00	10/3/19	1800	Hrp
		Date Paid	Check/Cash	Rec'd By
Determination _____				
Appealed to City Council: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Action: _____				

10/3/19 (E) A, N, B



ORANGE COUNTY TAX COLLECTOR
SCOTT RANDOLPH
INDEPENDENTLY ELECTED TO SERVE YOU

Orange County Notice of Ad Valorem Taxes
& Non-Ad Valorem Assessments

WEBER KURT D
ANDRADA-WEBER JOZANNE P
1426 BELLE VISTA DR
BELLE ISLE, FL 32809-3505

Account Number: 0237924-6
Assessed 921,135
Value:
Millage Code: 20 BI
Parcel Number: 24-23-29-5306-01110
Address: 1426 BELLE VISTA DR BELLE ISLE 32809
Exemptions: Homestead, Extra Homestead

AD VALOREM TAXES

Taxing Authority	Assessed Value	Exempt Value	Taxable Value	Millage	Tax Levied
STATE SCHOOL	921,135	25,000	896,135	4.0510	\$3,630.24
LOCAL SCHOOL	921,135	25,000	896,135	3.2480	\$2,910.65
GEN COUNTY	921,135	50,000	871,135	4.4347	\$3,863.22
BELLE ISLE	921,135	50,000	871,135	4.4018	\$3,834.56
LIBRARY	921,135	50,000	871,135	.3748	\$326.50
SJWM	921,135	50,000	871,135	.2562	\$223.18
LK CONWAY	921,135	50,000	871,135	.4107	\$357.78

Total Millage: 17.1772 Subtotal: \$15,146.13

NON-AD VALOREM ASSESSMENTS

Levying Authority	Phone	Amount	Levying Authority	Phone	Amount
5450 BELLE ISLE STOR	(407)851-7730	\$110.00			
5451 BELLE ISLE GARB	(407)851-7730	\$236.00			
					Subtotal: \$346.00

Combined Total of Ad Valorem Taxes & Non-Ad Valorem Assessments **\$15,492.13**

Pay Online, Opt-in to E-Billing and Print your Receipt at octaxcol.com.

Payments not received by March 31st are delinquent.

IF YOUR TAXES ARE NOT ESCROWED, PLEASE RETURN THE BOTTOM PORTION WITH YOUR PAYMENT.

0237924-6
1426 BELLE VISTA DR BELLE ISLE 32809
24-23-29-5306-01110
LYNNWOOD SHORES Z/62 LOT 11 BLK A

kurt weber
1426 belle vista drive
orlando, FL 00000

WEBER KURT D
ANDRADA-WEBER JOZANNE P
1426 BELLE VISTA DR
BELLE ISLE, FL 32809-3505

PAID - DO NOT PAY

PAID 0098-00334639 \$14,872.44 11/11/2018

ONLY PAY ONE AMOUNT	
If Paid By	Amount Due
Nov. 30, 2018	\$14,872.44
Dec. 31, 2018	\$15,027.37
Jan. 31, 2019	\$15,182.29
Feb. 28, 2019	\$15,337.21
Mar. 31, 2019	\$15,492.13

PO Box 545100
Orlando FL 32854-5100



Detailed Variance Request:

Applicant: Kurt Weber
Project: Covered Summer Kitchen
Address: 1426 Belle Vista Drive

I am requesting a variance of setback requirements from the natural high water mark. As detailed in the survey provided, the natural high water mark follows a sea wall that existed at the time of purchasing the property. This sea wall cuts at a 45-degree angle across the width of the property and results in diminishing distance between the lake and the house. We would like to create a covered summer kitchen with a roof extending 9 feet off the house and extending 30 feet down an existing pool deck. Unfortunately with literal enforcement of the zoning ordinance we would only be able to have 12-foot expanse of roof coverage. I believe the existing sea wall is a special condition that creates a hardship for which a variance can be considered.

The sea wall itself was constructed when the first house was built on the property. When a second, and current house, was built on the property the sea wall was preserved. I was not involved in decision to build or retain the sea wall.

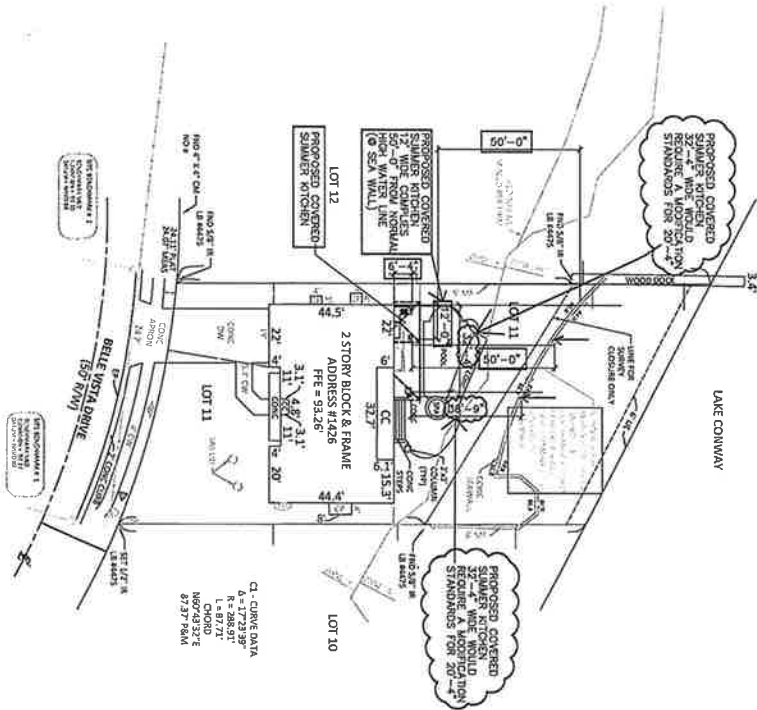
As detailed in the plans, an adequate amount of coverage and sun protection cannot be created without a variance.

Granting the variance would not have a deleterious effect on the neighborhood. The structure itself would not disrupt sightlines of adjacent neighbors or be outwardly visible to the neighborhood-at-large. Granting the variance would also not create an incentive for neighbors to seek their own variances. The neighbors to my left have larger backyards than my property and constructing a similar extension on those houses would not be in violation of existing codes. The neighbors to my right have similar distance issues, however they have completed outdoor projects that required variances of their own or were constructed prior to existing ordinances.

Thank you for your consideration.

Kurt Weber

WEBER' RESIDENCE COVERED SUMMER KITCHEN 1426 BELLE VISTA DR BELLE ISLE, FLORIDA 32809



SITE PLAN

1"=50'-0"

SCOPE
COVER SHEET & SITE PLAN
ATTACHED TO AN EXISTING SINGLE FAMILY
RESIDENCE

INDEX
CS COVER SHEET & SITE PLAN
A1 COVERED SUMMER KITCHEN PLANS

CODES IN EFFECT:
2017 FLORIDA BUILDING CODE 6th EDITION, BUILDING
2017 FLORIDA BUILDING CODE 6th EDITION, RESIDENTIAL
2017 FLORIDA BUILDING CODE 6th EDITION, EXISTING BUILDING
2017 FLORIDA BUILDING CODE 6th EDITION, PLUMBING
2017 FLORIDA BUILDING CODE 6th EDITION, MECHANICAL
2017 FLORIDA BUILDING CODE 6th EDITION, ENERGY CONSERVATION
2017 FLORIDA BUILDING CODE 6th EDITION, ENERGY CONSERVATION
2017 FLORIDA FIRE PREVENTION CODE 6th EDITION
NATIONAL ELECTRICAL CODE 2014 NEC
NFPA 101, 2012 EDITION
FLORIDA FIRE PREVENTION CODE 2012 ED.

BUILDING DATA	
EXISTING USE:	SINGLE FAMILY ROOM
EXISTING BUILDING H/T:	03'-0"
NUMBER OF FLOORS:	02
ZONING:	R-1-1A
CONSTRUCTION TYPE:	V-B
CLASSIFICATION OF WORK:	ADDITION

SQ. FOOTAGE CALCULATIONS	
EXISTING GROSS SQ. FOOTAGE	3,208 SQ. FT.
EXISTING A/C SQ. FOOTAGE	1,977 SQ. FT.
PROPOSED A/C SQ. FOOTAGE	758 SQ. FT.
PROPOSED LAMA SQ. FOOTAGE	843 SQ. FT.

DESIGN REQUIREMENTS:

- A. FLOORS, BALCONIES, DECKS, STAIRS, LIVE LOAD
- B. ROOF LIVE LOAD IS 30 PSF
- NOTE: THIS STRUCTURE HAS BEEN DESIGNED TO MEET
CODE 2017 ASCE 7-10 OF THE FLORIDA BUILDING
1. NOMINAL WIND SPEED 100 MPH, 140 VOLT MPH
2. WIND EXPOSURE - CATEGORY (C)
3. WIND RESISTANCE - (ASSESS 7-10)
4. INTERNAL PRESSURE COEFFICIENT - (-1.0)
5. HEIGHT AND EXPOSURE ADJUSTMENT COEF. - (1.0)
6. HEIGHT AND CLADDING - PER FLORIDA BUILDING
CODE 2017



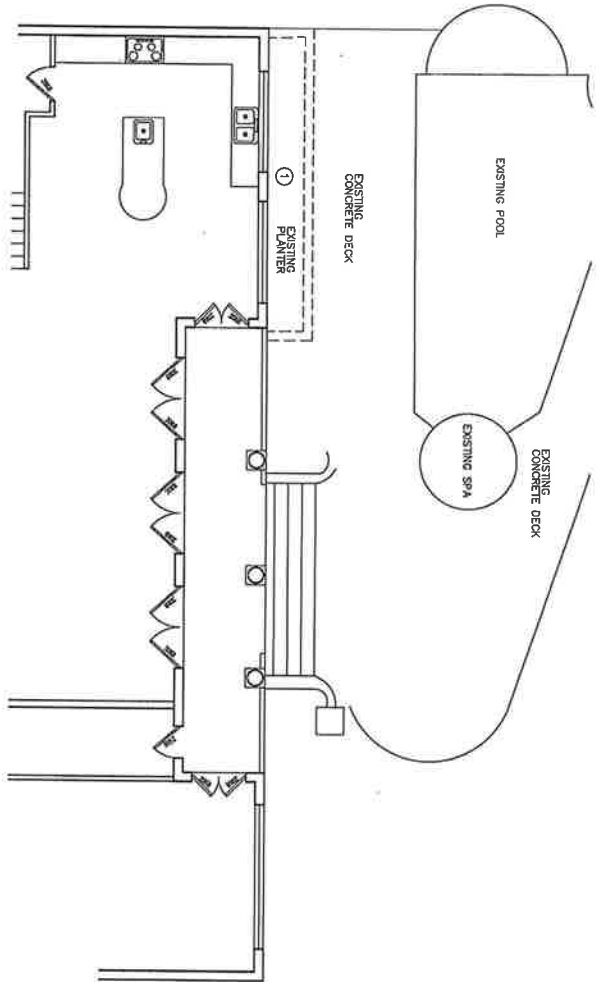
COVER SHEET

WEBER' RESIDENCE
COVERED SUMMER KITCHEN
1426 BELLE VISTA DR.
BELLE ISLE, FL 32809

R&G DESIGN GROUP INC.
5311 LAKE HOWELL ROAD WINTER PARK, FL 32750
407.756.5668 FAX 407.831-1627 rb@rgarchitect.com

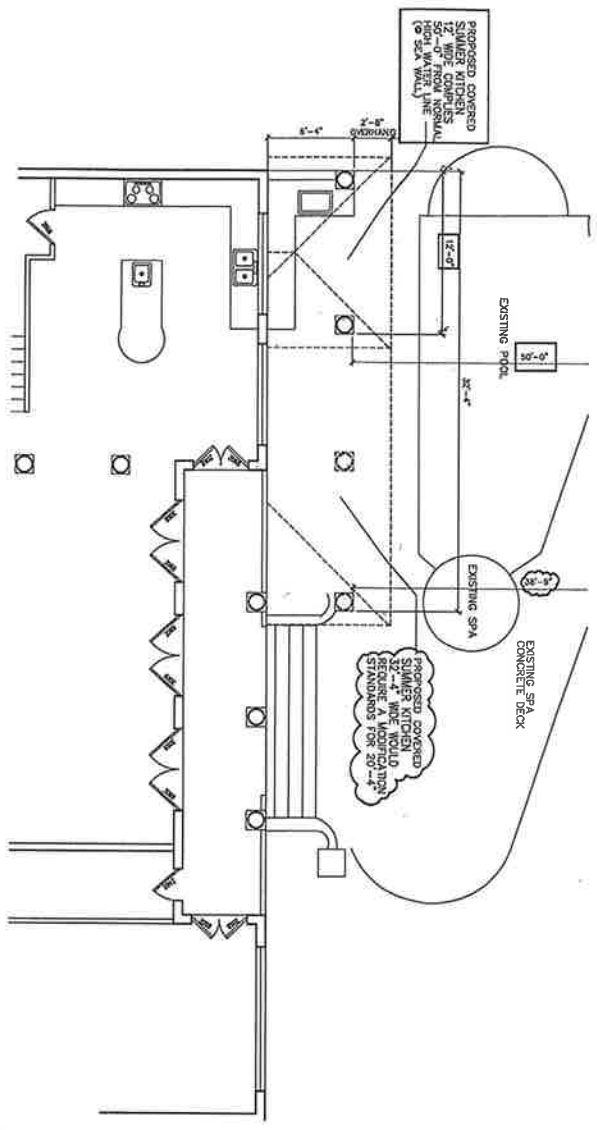
REVISIONS	

CHECKS	

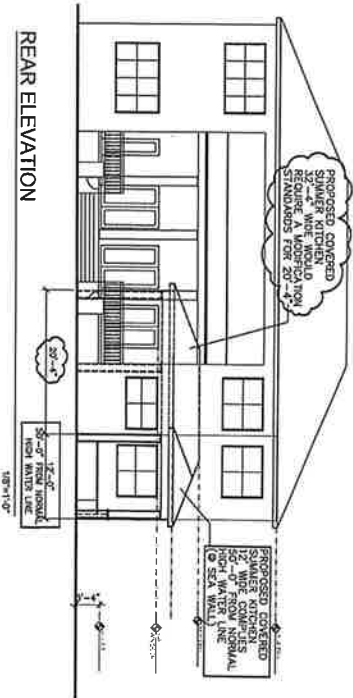


DEMO NOTES
① DEMO EXISTING FLYTER

EXISTING CONDITIONS/DEMO PLAN-PARTIAL
1/8"=1'-0"



FLOOR PLAN-PARTIAL



CHARLES W. KOPPEL, P.E.
2400 E. BAYVIEW BLVD.
SUITE 100
MIAMI, FL 33133

K S D S

BEIG
Professional Engineer
No. 42526
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

NO.	DATE	REVISIONS

EXISTING CONDITIONS / DEMO PLAN
FLOOR PLAN
ELEVATIONS

WEBER RESIDENCE
COVERED SUMMER KITCHEN
1438 BELLE VISTA DR.
BELLE ISLE, FL 32809

RGD DESIGN GROUP INC.
5301 LAKE HOWELL ROAD WINTER PARK, FL 32750
407.756.3669 FAX 407.831-1627 rob@rgdarchitect.com

NO.	DATE	REVISIONS