

MEMORANDUM

TO: Planning and Zoning Board

DATE: January 3, 2024

RE: Variance Application – 3606 Quando Drive

PUBLIC HEARING #2023-11-026 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT BUILDING SETBACK OF 20 FEET FROM THE REQUIRED 30-FOOT FRONT BUILDING SETBACK, SUBMITTED BY APPLICANTS JON BERGMAN AND DANIELLE BROWNE BERGMAN, LOCATED AT 3606 QUANDO DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #20-23-30-1646-00-910.

Background:

1. On November 15, 2023, the applicant submitted a variance application and the required paperwork.
2. Letters to the abutting property owners were mailed within 300 feet of the subject property on Dec 19, 2023.
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., Dec 23, 2023.

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 must determine if the criteria outlined 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 50-73 (A), **TO APPROVE** A FRONT BUILDING SETBACK OF 20 FEET FROM THE REQUIRED 30-FOOT FRONT BUILDING SETBACK, SUBMITTED BY APPLICANTS JON BERGMAN AND DANIELLE BROWNE BERGMAN, LOCATED AT 3606 QUANDO DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #20-23-30-1646-00-910.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE CODE SEC. 42-64 AND 50-73 (A), HAVING NOT BEEN MET, **TO DENY** *[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] A FRONT BUILDING SETBACK OF 20 FEET FROM THE REQUIRED 30-FOOT FRONT BUILDING SETBACK, SUBMITTED BY APPLICANTS JON BERGMAN AND DANIELLE BROWNE BERGMAN, LOCATED AT 3606 QUANDO DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #20-23-30-1646-00-910.*

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

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.



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

Variance and Special Exception Application

City Code Chapter 42, Art. II, Sec. 41-61 thru 41-72 AND Sec 42-64 Land Development Code

APPLICANT	Jon Bergman + Danielle Bergman	OWNER	Jon + Danielle Bergman
ADDRESS	3606 Quando Dr.	PROJECT ADDRESS	3606 Quando Dr.
CONTACT NUMBER	440-334-3432	OWNER'S CONTACT NUMBER	440-334-3432
EMAIL	jcb7628@yahoo.com	OWNER'S EMAIL	jcb7628@yahoo.com
PARCEL ID#	20-23-30-1646-00-910		
LAND USE CLASSIFICATION	0131-Str. Canal Front	ZONING DISTRICT	R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON	50-73		
DETAILED VARIANCE REQUEST We're requesting to reduce the current 30ft. setback of our garage to 20ft. to have additional sq. ft. to accommodate an elderly parent that will be a dependent. Our neighbor at 3600 Quando Dr. has also reduced their setback through a variance and our intent is to accomplish something similar. * See Attached Documents			
<ul style="list-style-type: none"> 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 nine (9) months. Further, the requested user does not violate any deed restriction of the property. By applying, 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 to which the application applies. The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies. 			
APPLICANTS SIGNATURE		OWNER'S SIGNATURE	
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	P&Z CASE NUMBER 2023-11-026
			DATE OF HEARING 01/03/2024

Sec. 42-64. - Variances. The Board shall have the power to approve, conditionally approve or deny applications for a variance from the terms of the Land Development Code.

Criteria. The Board shall not approve an application for a variance from terms of the Land Development Code unless and until:

- A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.

- Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing or the applicant's attorney shall appear before the board.
- It is determined 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 building involved, including but not limited to dimensions, topography or soil conditions.
- It has been determined that 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 Land



- Development Code or for the purpose of obtaining a variance.
- f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development 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.
 - h. The board shall find that the preceding requirements have been met by the applicant for a variance.
- b. The Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed. Under no circumstances, except as permitted above, shall the Board grant a variance to allow a use not generally or by special exception allowed in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

The Board shall find that the preceding requirements have been met by the applicant for a variance.

(2) Violations of conditions.

- a. In granting any variance, the Board may prescribe appropriate conditions and safeguards to comply with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which

Applications submitted must meet all of the above criteria before the Board can grant a variance. The burden of proof is on the applicant to comply with the criteria.

A special exception addresses the compatibility of uses, differing slightly from a variance. The approval of a special exception depends on how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

1. A written application for a special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
2. The Board shall find that it is empowered under the section of the zoning ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest.
3. It is determined that public health, safety, comfort, order, convenience, prosperity, morals, or general welfare is promoted, protected, or improved.

General Information

1. Certain conditions may be prescribed on the special exception or variance approved by the Board.
2. The applicant must be present at all hearings.
3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period allows all aggrieved parties to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where they feel the Planning and Zoning Board erred in their decision. Belle Isle's City Council will then hold an appeal hearing.
4. Sec 42-61 thru 41-72 - Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

FOR OFFICE USE ONLY: FEE: \$300	<u>11/15/23</u> Date Paid	<u>455905</u> Check/Cash	<u>LS</u> Rec'd By
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ABOUT YOUR PUBLIC HEARING

The following information is provided to assist applicants in applying for a variance, special exception, or use determination. Please familiarize yourself with the process by visiting

The City of Belle Isle's Planning and Zoning Board, which comprises seven (7) non-paid volunteer residents, meets on the fourth Tuesday of the month to hear various planning and zoning issues, including variances, special exceptions, and use determinations. In recommending approval or denial of a request, the Board looks at each application individually to determine if the request meets the following criteria:

A written application for a **variance must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month.** The application **MUST** include:

- a. the \$300 filing fee,
- b. a completed application form,
- c. proof of ownership of the property, or a notarized statement from the owner with the representative's information,
- d. Ten (10) copies of a plot plan or survey showing all improvements to the property, ten copies of a scale drawing of the planned construction, illustrated on the survey, and digital format for large-scale documents is required.
- e. For boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- f. **A narrative addressing how the variance complies with the following:**

*Standards of Variance Justification	Section 42-64 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a separate typed or a written document and submit it to the City as part of your variance request.
Special Conditions and/or Circumstances Section 42-64 (1) d	The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship. That 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. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?
Not-Self- Created Section 42-64 (1) e	The applicant must prove that the special conditions and circumstances do not result from the applicant's actions. A personal (self-created) hardship shall not justify a variance; i.e., when the applicant creates the alleged hardship, they are not entitled to relief by their conduct. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?
Minimum Possible Variance Section 42-64 (1) f	The applicant must prove that the zoning variance is the minimum variance that will make the reasonable use of the land, building, or structure possible. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.
Purpose and Intent Section 42-64 (1) g	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 public welfare, and not contrary to the public interest. WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON 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, ETC).

*For a variance application from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, and you do not have to comply with Sec. 42-64 (1) d and (1) f.



**CITY OF BELLE ISLE,
FLORIDA**

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

Mayor
William G. Brooks,
PE

City Manager
Keith Severns

Planning & Zoning
Board of
Commissioners

David Woods
Chairman
District 1

Bo Bradford
Vice Chairman
District 2

Ben Bateman
District 3

Greg Templin
District 4

Todd Tatum
District 5

John McLeod
District 6

Nicholas Fouraker
District 7

October 22, 2013

Brett and Jeanette Bartos
3600 Quando Drive
Belle Isle, Florida, 32812

Legal Advertisement - Public Hearing Case#13-10-003
Variance request 3600 Quando Drive, Belle Isle, Florida, 32812
Parcel I.D. #20-23-30-1646-00-900

Dear Mr. and Mrs. Bartos:

At a public hearing held on Tuesday, October 22, 2013 the Belle Isle Planning and Zoning Board **voted 3:1 to approve the request** for a variance on your property captioned above.

Vice Chairman Bradford moved the criteria of Chapter 42, Article III, Section 42-64(1) of the Belle Isle Land Development Code having been met, to approve this request for a variance:

- 1) from LDC, Chapter 50, Article III, Sec. 50-73(a) which requires a setback of 30 feet from the front property line. The applicant requests a front setback of 15ft from the minimum required 30ft.**
- 2) from LDC, Chapter 50, Article III, Sec. 50-73(a) which requires a setback of 7.5 feet from the side yard. The applicant requests a side yard setback of 5.0ft from the minimum required 7.5ft; and**
- 3) from LDC, Section 48-32 which requires a setback of 50 feet from the NHWL. The applicant requests a rear yard setback of 43ft from the NHWL from the minimum required 50ft.**

on the property described as 3600 Quando Drive, Belle Isle, FL 32812 also described as Parcel ID 20-23-30-1646-00-900 Orange County, Florida.

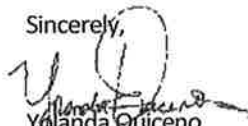
Conditions: NONE

In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with the Code. At the discretion of the board, such variance may be revoked for violation of the condition and/or condition and/or safeguards.

Pursuant to Section 42-71 of the Belle Isle Code, any person aggrieved by this decision of the Planning and Zoning Board may file a written Notice to Appeal to City Council, by November 6, 2013. The Notice of Appeal must state wherein the Board erred and shall be given to the City Clerk.

If you have any questions or need additional information, please call me at (407) 851-7730.

Sincerely,


Yolanda Quiceno
City Clerk

Variance Request:

**Jon Bergman & Danielle Browne (now Bergman)
3606 Quando Drive
Belle Isle, FL 32812**

We're requesting to reduce the current 30 ft setback of our garage to 20 ft to have additional square feet to accommodate an elderly parent that will be a dependent. We have noticed that our neighbor at 3600 Quando Drive has also reduced there set back through a variance and our intent is to accomplish something similar.

What are the special conditions and circumstances unique to your property? What would be the unnecessary hardship?

The lot we live on does not allow us to build any closer to the canal so the only area we can extend the home is the driveway.

We need this room to allow for extra square feet for an elderly parent that will be a dependent.

Not Self-Created

This is not self-created as we have had no control over our parents and their financial management.

Furthermore, we have had no control over the placement of the home relative to the canal and the street.

We (Jon & Danielle) both are employed by companies out of state and therefore must have a home office with the proper amount of space to work daily.

Can you accomplish your objective in another way?

We have considered adding additional space in the backyard, but this is not feasible due to the canal and high-water mark.

We have also considered moving to a different property, but this is also not feasible as real estate prices and interest rates have substantially increased and therefore our tax bill and interest payment will be higher than what we can afford.

What effects will approval of the variance have on adjacent properties or the surrounding neighborhood? (For example, adequate light, air, access use of adjacent property.

The effects will only be positive as adding more square feet will only increase the property value, modernize the house's curb appeal and increase the overall value of homes within the neighborhood. This will not impede access, light, air, traffic control or pedestrian safety in anyway.

If you own and occupy property as your primary residence as of January 1, 2024, you may qualify for an exemption. The deadline to file a 2024 exemption application is March 1, 2024.

[Click Here To Apply for Homestead and Other Exemptions Online](#)

Print Date: 10/18/2023 System Refresh Date: 10/17/2023

3606 Quando Dr 20-23-30-1646-00-910

Name(s): Bergman Jon
Browne Danielle
Physical Street Address: 3606 Quando Dr
Property Use: 0131 - Sfr - Canal Front

Mailing Address On File: 3606 Quando Dr
Belle Isle, FL 32812-2837
Postal City and Zip: Orlando, FL 32812
Municipality: Belle Isle

[Incorrect Mailing Address?](#)

[View 2023 Property Record Card](#)



3606 QUANDO DR, ORLANDO, FL 32812 1/26/2019 1:42 PM

[Upload Photos](#)

[PROPERTY FEATURES](#)

\$ VALUES, EXEMPTIONS AND TAXES

[SALES](#)

[MARKET STATS](#)

[LOCATION](#)

Historical Value and Tax Benefits ⓘ

[Has Homestead in 2024](#)

Tax Year Values	Land	Building(s)	Feature(s)	Market Value	%	Assessed Value	%
2023 <input type="checkbox"/> MKY	\$297,000	\$209,887	\$23,600	\$530,487	12.4%	\$384,405	3.0%
2022 <input type="checkbox"/> MKY	\$270,000	\$178,241	\$23,600	\$471,841	16.1%	\$373,209	3.0%
2021 <input type="checkbox"/> MKY	\$225,000	\$157,907	\$23,600	\$406,507	-0.7%	\$362,339	1.4%
2020 <input type="checkbox"/> MKY	\$225,000	\$160,813	\$23,600	\$409,413	N/A	\$357,336	N/A

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH CAP	Tax Savings
2023 <input type="checkbox"/> \$ <input type="checkbox"/> HX <input type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$146,082	\$3,053
2022 <input type="checkbox"/> \$ <input type="checkbox"/> HX <input type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$98,632	\$2,258
2021 <input type="checkbox"/> \$ <input type="checkbox"/> HX <input type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$44,168	\$1,393
2020 <input type="checkbox"/> \$ <input type="checkbox"/> HX <input type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$52,077	\$1,534

2023 Taxable Value and Certified Taxes ⓘ

Tax Year

2023	2022	2021	2020
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Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	%	Taxes	Tax Breakdown
Public Schools: By State Law (Rle)	\$384,405	\$25,000	\$359,405	3.1730	-1.3%	\$1,140.39	20%
Public Schools: By Local Board	\$384,405	\$25,000	\$359,405	3.2480	0.0%	\$1,167.35	21%
General County	\$384,405	\$50,000	\$334,405	4.4347	0.0%	\$1,482.99	26%
City Of Belle Isle	\$384,405	\$50,000	\$334,405	4.4018	0.0%	\$1,471.98	26%
Library - Operating Budget	\$384,405	\$50,000	\$334,405	0.3748	0.0%	\$125.33	2%
St Johns Water Management District	\$384,405	\$50,000	\$334,405	0.1793	-9.2%	\$59.96	1%
Lake Conway Mstu	\$384,405	\$50,000	\$334,405	0.5750	40.0%	\$192.28	3%
Totals				16.3866		\$5,640.28	

Non-Ad Valorem Assessments

2023 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rates	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - BIGBR - (407)851-7730	1.00	305.40	\$305.40
CITY OF BELLE ISLE	BELLE ISLE STRM - BISTRM - (407)851-7730	1.00	135.00	\$135.00
				\$440.40

2023 Gross Tax Total: \$6,080.68

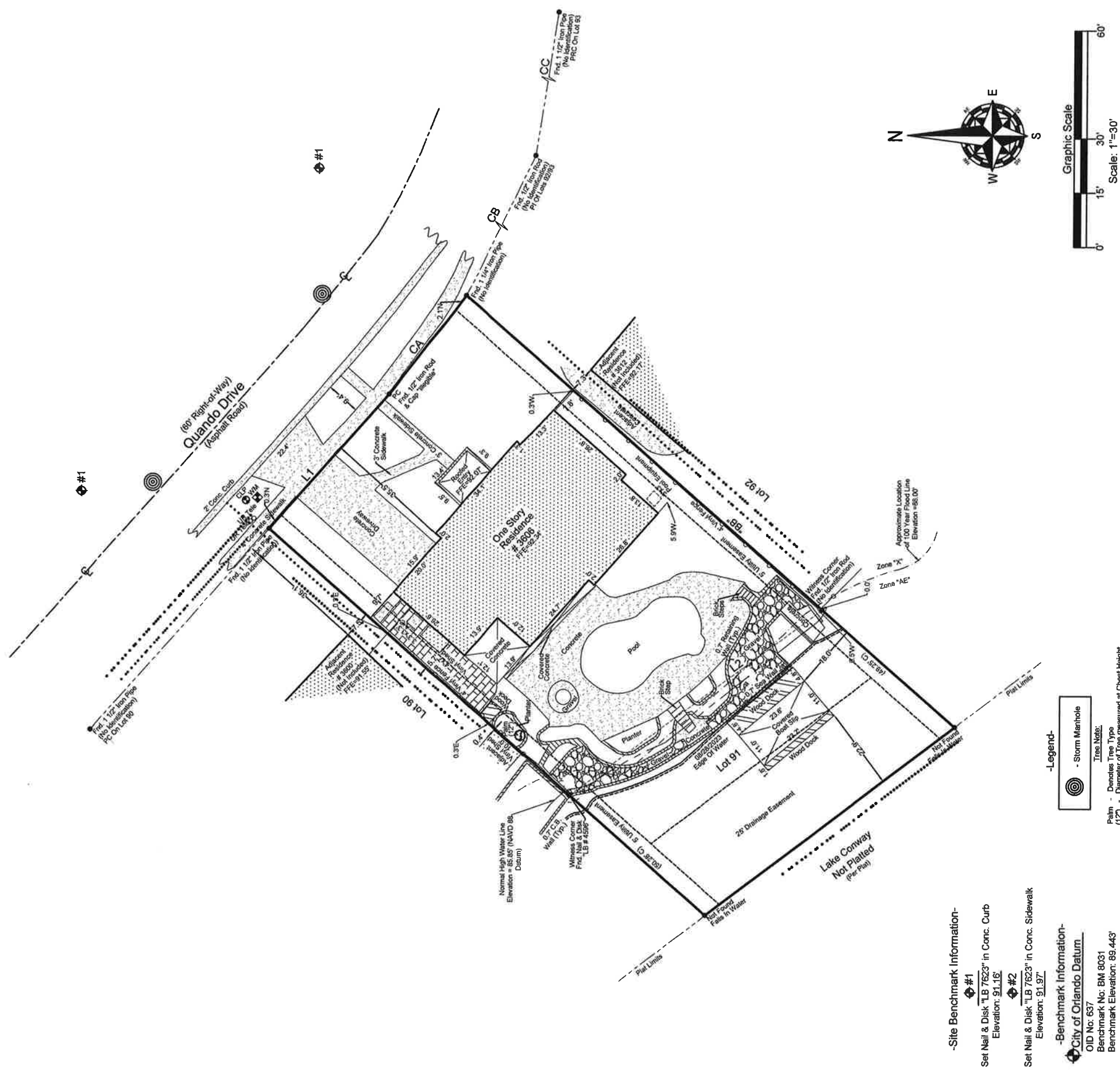
2023 Tax Savings Tax Savings

Boundary Survey

Legal Description:

LOT 91, CONWAY EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 122, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Flood Disclaimer:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X, AE (WITH A BASE FLOOD ELEVATION OF 88.0). THIS PROPERTY WAS FOUND IN CITY OF BELLE ISLE, COMMUNITY NUMBER 120181, DATED 9/25/2009.
CERTIFIED TO:
JON BERGMAN



EXISTING SITE PLAN

Boundary Survey

Legal Description:

LOT 91, CONWAY EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 122, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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CERTIFIED TO:
JON BERGMAN

