
NOTICE OF PUBLIC MEETING

JANUARY 22, 2019 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 4

MEMORANDUM

TO: Planning and Zoning Board

DATE: January 11, 2019

PUBLIC HEARING CASE #2018-12-032 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (A) (6) (D), SEC. 54-3 (H) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE SCREEN ENCLOSURE THAT IS 23.5 FEET IN HEIGHT ON A RESIDENTIAL PROPERTY. THIS IS 3.5 FEET TALLER THAN WHAT THE CODE ALLOWS, SUBMITTED BY APPLICANT RICHARD MORGAN/ JJ BUILDING LOCATED AT 6633 THE LANDINGS DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-4980-00-320.

Background:

1. On December 20, 2018, Richard Morgan submitted the application, fee, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, January 12, 2019, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, January 10, 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 Chapter 42, Article III, Sections 50-102 (a) (6) (d), Sec. 54-3 (h) and 42-64 of the Belle Isle Land Development Code having been met **TO APPROVE** this request for a variance to place screen enclosure that is 23.5 feet in height on a residential property. this is 3.5 feet taller than what the Code allows, submitted by applicant Richard Morgan/ JJ Building located at 6633 The Landings Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-320.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code, Chapter 42, Article III, Section 42-64(1), having NOT been met; ***use only if NONE of the justifying criteria have been met*** the requirements of section 42-64(1) 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** this request for a variance to place screen enclosure that is 23.5 feet in height on a residential property. this is 3.5 feet taller than what the Code allows, submitted by applicant Richard Morgan/ JJ Building located at 6633 The Landings Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-320.

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.

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
PRESIDENT
407.494.8789
fisherpds@outlook.com

January 10, 2019

Variance Application: 6633 The Landings Drive

Applicant Request: VARIANCE TO PLACE SCREEN ENCLOSURE THAT IS 23.5 FEET IN HEIGHT ON A RESIDENTIAL PROPERTY. THIS IS 3.5 FEET TALLER THAN WHAT THE CODE ALLOWS, SUBMITTED BY APPLICANT RICHARD MORGAN/ JJBUILDING LOCATED AT 6633 THE LANDINGS DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-4980-00-320.

Existing Zoning/Use: R-1-AA/ single-family home

Review Comments

This variance application seeks a variance from SEC. 50-102 (A) (6) (D), SEC. 54-3 (H) AND SEC. 42-64 to allow a screen enclosure over their pool deck that is 23.5 feet in height. This is a replacement of a screen enclosure that was lost due to fire damage to the property owner's home.

The applicant has provided information supporting the variance request. Please see this information enclosed with this agenda item packet.

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 applicant has a two-story house (the primary structure) that has a balcony on the second floor. In order for the screen enclosure to cover the balcony, the additional 3.5 feet is needed.

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

The request for a variance is not self-created as the application is seeking to deviate from code requirements in a way that would lessen the environmental impact to adjacent properties. If the property was elevated so that a variance was not needed, there would be negative drainage impacts to surrounding properties.

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

The requested variance is the minimum possible variance to make reasonable use of the land and building as the requested height is only 3.5 feet over the 20 feet allowed by code.

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

The requested variance can be construed to be in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood as it does not exceed the height of the primary structure.

Staff provides a recommendation to approve the request based on meeting the criteria above. The land development code provides in Sec. 42-64 (1) h. that unless all criteria are met, a variance should not be approved. In this case, all criteria are met.

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: Dec 20, 2018 P&Z CASE #: 2018-12-032

[X] VARIANCE [] SPECIAL EXCEPTION [] OTHER DATE OF HEARING: January 22 2019

Table with 2 columns: Applicant/Owner, ADDRESS, PHONE, PARCEL TAX ID #. Applicant: Richard Morgan, ADDRESS: 6633 the Landings Drive, PHONE: 407 2346355.

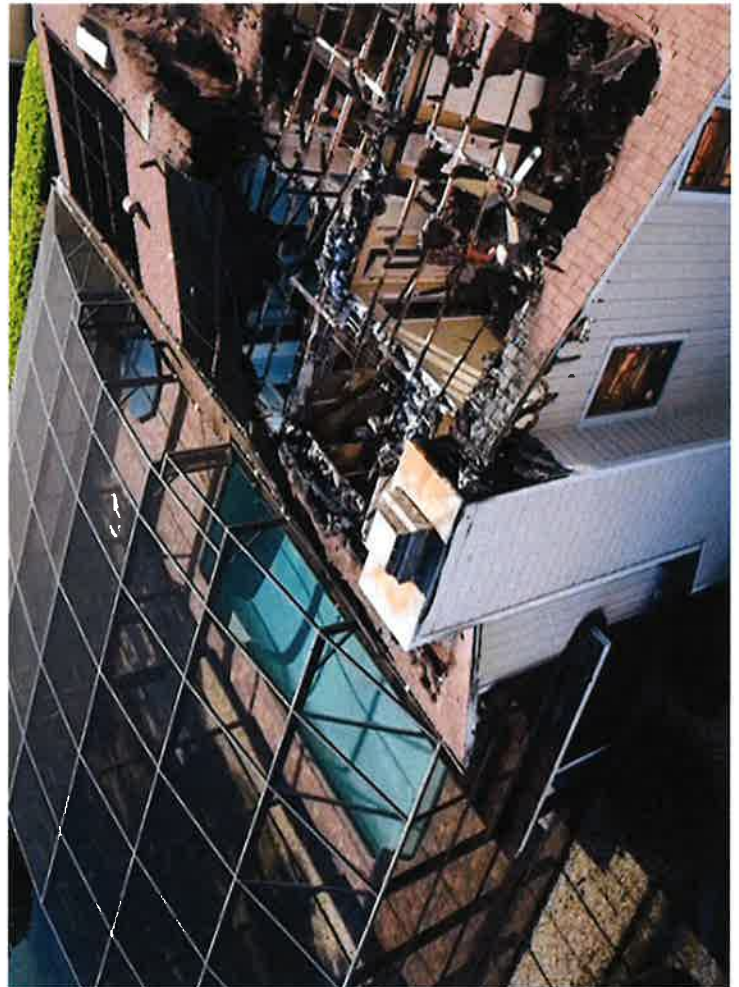
LAND USE CLASSIFICATION: R1AA ZONING DISTRICT:

DETAILED VARIANCE REQUEST: Special condition

SECTION OF CODE VARIANCE REQUESTED ON: 50-102A6D, 543H and Sec 42-64

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

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6633 The Landings Drive
2018-12-032



DETAILED VARIANCE REQUEST

Introduction: 6633 THE LANDINGS DRIVE-RICHARD MORGAN

Mr. Morgan purchased his home over 20 + years ago and had a pool/2-Story screen enclosure which he thoroughly enjoyed. His property overlooks the little lake behind him and the enclosure afforded him the ability to enjoy his patio/balcony/pool alike. Mr Morgan is simply asking for the ability for quiet enjoyment of his property just as he has had for 20+ years prior to the fire. He is not requesting the footprint be any wider than previous enclosure and he is not asking for a maximum like he could have with Orange County of 32'; rather he is simply asking for the minimum height possible to encompass his second story balcony (like he previously had) and still have a view of his lake behind him. If not for the fire the enclosure would have remained and there would not need to be a variance because it was an approved and existing pool/enclosure condition.

There is also a neighbor across the little lake DIRECTLY across from his pool who has an enclosure seemingly exceeding the 20' condition we surmise so they can enjoy the same conditions.

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

-Not Self Created Section 42-64 (1) e

What would be the special conditions and circumstances unique to your property? What would be the unnecessary hardship? How were the special conditions noted above created?

6633 The Landings Drive was tragically struck by lightning one scary night in September 2017 and burned almost to the ground last September. Mr. Morgan lost almost every one of his possessions and has been displaced physically during the construction as well as financially burdened by the rebuild. It was completely unsalvageable according to his insurance company; a 100% loss. He is requesting restoration of enclosure due to FIRE.

We had to demo the remaining portions of the home and worked with Mr. Morgan and architect to design a home that was almost exactly in the same footprint as his original home. The enclosure had to be taken down due to fire and demolition. The remaining portions had to be scrapped.

We cannot raise the elevation of land anymore because of surrounding homes and the existing pool/grade/lake/drainage conditions that would create. Raising it would actually be a detriment to his neighbors and would create a drainage condition where there never was one to begin with before the fire.

Minimum Possible Variance Section 42-64 (1) f

We cannot accomplish creating the same condition of a 2 story enclosure that encompasses his balcony/pool etc for any less than 3.5 feet variance.

Mr Morgan hired Summertime Screens to design an enclosure that would encompass his balcony and patio areas just as he had previously had prior to the fire with the most minimal height possible.

We have a screen enclosure ready to be installed, but as you're aware the enclosure we are asking for will be 3.5' over the Belle Isle code section 50-102. We are 23.5 feet above grade. We cannot raise the elevation of land anymore because of surrounding homes and the existing pool/grade. As mentioned above raising the grade would create hardship for his surrounding neighbors and would create draining issues for the property, surrounding properties as well as the lake behind him. Restoration of enclosure due to fire more than 75% of structure was destroyed.

Purpose and Intent Section 42-64 (1) g

What effects will approval of the variance have on adjacent properties or the surrounding neighborhood?

Approving the variance for the 3.5' will have ZERO effect on the surrounding properties or neighborhood. There was an older home with 2 story screen enclosure there for 20+ years and now there is a new home (FORCED TO BE rebuilt due to a FIRE) with a 2 story screen enclosure. It does not impede their views or create any compatibility or safety issues.

J&J Building

Owner/Applicant

DocuSigned by:

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