

**CITY OF BELLE ISLE
PLANNING AND ZONING BOARD**

REGULAR SESSION

October 27, 2015

6:30 P.M.

- 1. Call to Order, Pledge to Flag and Confirmation of Quorum.**
- 2. Approval of Meeting Minutes : September 22, 2015**
- 3. Public Hearing Case#2015-10-001**
Applicant Sarah Goodwin on behalf of Lake Conway East HOA, Inc. property owner of 5918 Cove Drive, Belle Isle, FL 32812, also described as Parcel I.D #20-23-30-0000-005, requests a variance from CH 50 SEC 50-102(a)(4)(a) to allow an accessory building to be constructed (1) foot from the property line from the required 5 feet.
- 4. Adjourn**

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.

**CITY OF BELLE ISLE
PLANNING AND ZONING BOARD**

REGULAR SESSION

October 27, 2015

6:30 P.M.

ITEM 2

Approval of Minutes: September 22, 2015

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.



City of Belle Isle
Planning & Zoning Board Regular Session Minutes
September 22, 2015 – 6:30pm

Frank Kruppenbacher City Attorney	David Woods District 1 Chairman	Chris Shenefelt District 2	District 3 Duane Jackson	Gregg Templin District 4	Dr. Stuart Bernstein District 5	John McLeod District 6	Nicholas Fouraker District 7
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On Tuesday, September 22, 2015 the Belle Isle Planning & Zoning Board met in a regular session at 6:30pm in the Belle Isle City Hall Council Chambers. Present was Board member Shenefelt, Board member Jackson, Board member Templin, Board member McLeod, Vice Chairman Fouraker, Attorney Tom Callan and City Clerk Yolanda Quiceno. Absent were Chairman Woods, Board member Bernstein and City Attorney Kruppenbacher.

CALL TO ORDER

Vice Chairman Fouraker called the meeting to order at 6:30pm and opened with the Pledge of Allegiance.

APPROVAL OF MINUTES

Vice Chairman Fouraker called for approval of the July 28, 2105 minutes.

Board member Templin moved to approve the minutes as presented.

Board member McLeod seconded the motion which passed unanimously.

Vice Chairman Fouraker asked to revise the order of the agenda to have Case 2015-08-005 heard first.

PUBLIC HEARING CASE#2015-08-005

Applicant Constance A. Owens, PE LEED AP representative of Mario Prieto (Conway Breeze Development, LLC) property owner of McCoy Road, Belle Isle, FL 32809 also described as Parcel I.D. 30-23-30-5558-00-010, being more particularly described as follows: MCCOY ROAD DAYS INN 31/113 LOT 1 (LESS E 5 FT N/K/A PALM SQUARE AT BELLE ISLE CONDO 9344/1120) and 2067 McCoy Road, Belle Isle, FL 32809 also described as Parcel I.D. 30-23-30-0000-00-015, being more particularly described as follows: FROM NE COR OF SE1/4 OF SW1/4 RUN S 659.23 FT W 755 FT FOR A POB TH W 123.25 FT S 299.31 FT E 123.25 FT N 299.78 FT TO POB IN SEC 30-23-30 request a zoning change from C-1 to PD (Planned Development) zoning.

Richard Levy, consultant for the City of Belle Isle provided an overview and presentation of the request to permit the development of a 120 unit residential, gated condominium project on 4.82 acres on the north side of McCoy Road just north of the Boggy Creek Road interchange with SR 528.

He stated a correction to the report on Page 9 to read as follows,

Page 9, Reads, “The applicant has modified their proposal to eliminate the stormwater pond from the recreation and open space calculations, and is now proposing a waiver of 8.6%. The resulting land area provided for recreation and open space is 16.4%.”

Should Read, “The applicant has modified their proposal to eliminate the stormwater pond from the recreation and open space calculations, and is now proposing a waiver of 10.6%. The resulting land area provided for recreation and open space is 14.4%.”

Mr. Levy stated, subject to the conditions contained herein, the proposed Conway Breeze PD is consistent with the requirements for approval of Planned Development applications contained in the Land Development Code (LDC):

1. The proposed PD is consistent with the City’s Growth Management Plan.
2. The proposed PD is consistent with the purpose and intent of the City of Belle Isle Land Development Code.
3. The proposed uses will be compatible with surrounding land uses and the general character of the area.

4. The necessary public facilities will be adequate to serve the proposed uses, or will be provided by the applicant as a condition of this approval.

Mr. Levy recommended approval of the Conway Breeze PD, subject to the conditions in the Staff Report provided on Page 13.

Board member Templin asked if the in/out traffic onto McCoy Road going to be addressed. Mr. Levy said on Page 4 of the Staff Report the Trip Generation of this use versus the prior use was addressed. He stated that he did not ask the applicant to conduct any type of traffic study.

Board member Templin asked if they will add any new access points. Mr. Levy said there will be no new access onto McCoy Road.

Attorney Callan clarified for the record the staff recommended conditions are listed on Page 13 of the Staff Report. Mr. Levy said yes.

Board member Templin asked if the buffer on the two corners for the single family homes considered in the open space calculations. Mr. Levy said the way the code is written, that area and the storm water pond area is not considered usable, and not included in the open space calculation, nor is the parameter buffering.

Vice Chairman Fouraker called for the Board to disclose any ex parte communication.

- Board member Fouraker disclosed that he has visited the site and spoke briefly to the City Manager on the history of the project.
- Board member Templin disclosed that he has driven by and observed the site from the street and had no communication with staff or the applicant.
- Board member McLeod disclosed that he has driven by and had no communication with staff or the applicant.
- Board member Jackson said he has had no communication.

Constance Owens, Civil Engineer of the project residing at 585 Technology Park, Lake Mary, FL provided a brief history of the previous zoning and previously approved site plan. She noted that in 2004-2005 the site was the existing Days Inn Hotel. The hotel was damaged during the 2004 hurricanes and was required to be demolished. The old Days Inn Hotel buildings to the east (aka The Palms at Belle Isle) remained and were converted to condominiums.

She provided the following proposed entitlements,

- 25 UNITS/ACRE –120 UNITS
- BUILDING SETBACKS (Per City of Belle Isle LDC)
- Front –40' Fronting McCoy Road
- Side (E) –0' Adjacent to existing PD (Multi-Family) –We are Providing 75'
- Side (W) –20' Adjacent to SFR –We are Providing 70'+
- Rear –20' Adjacent to SFR –We are Providing 100'
- LANDSCAPE BUFFERS (Per City of Belle Isle LDC)
- Front –10'
- Side (E) –5' Adjacent to existing PD (Multi-Family)
- Side (W) –20' Adjacent to SFR (Original Entitlement –10')
- Rear –20' Adjacent to SFR (Original Entitlement –5')
- NOT REQUESTING HEIGHT VARIANCE –MEETING 30' HEIGHT
- REQUESTING VARIANCE FROM 25% OPEN SPACE/RECREATION SPACE REQUIREMENT IN ORDER TO PROVIDE 20' BUFFER from SFR (Providing 14.42% -Excludes Perimeter Buffering and Stormwater Retention Area per LDC)

She provided a rendering of the proposed Landscaping adjacent to single family residential homes showing 3 year and 6 year growth,

- Oak Trees: 13' high, 2-1/2" caliper and 6' spread
- Understory Trees: 8' high, 1-1/2" caliper and 4' spread
- Viburnum Hedge: 30" high and 24" spread

Ms. Owens said the only other option for this location is to build another commercial hotel. She added that the quality of hotel that will be allowed within that location will be a low end hotel, which brings vagrants and transients to the site.

Discussion ensued regarding in-going and out-going access for residents and emergency vehicles.

Ernesto Gonzalez, architect for the project residing at 1890 SR 436, Winter Park, FL provided an overview of the Architectural Drawings/Floor Plan for the project. Discussion ensued on site dimensions and amenities.

Board member Templin asked what would be the minimum height they will need to change the slope of the roof. Mr. Gonzalez said approximately a 10ft increase.

Glenn Roy, Attorney for Mario Prieto, with an office residing at 411 West Central Parkway, Altamonte Springs, FL spoke on the traffic count concern, and said residential land use generates more than 3 times less traffic and trips than a hotel or commercial retail land use.

Attorney Roy said the real issue is the buffer zone exclusion to the open space requirement. He argued the justification for the need to allow the space.

Attorney Callan stated that the PD process allows the applicant to differ from the provisions of the code as part of the overall PD application and staff recommends approval of the buffer being reduced, and the City Manager is in agreement.

Vice Chairman Fouraker opened for public comment. There being no comments, Vice Chairman closed public comment and opened for Board discussion.

Board member Templin asked the City Clerk if she has received any calls regarding the public hearing. The City Clerk stated that she has not received any calls or emails regarding the Public Hearing.

Board member McLeod said he would like to see the pitch of the roof design changed and would motion to approve and raise the elevation at least 10 feet with the City Administrators approval of the design.

Board member Shenefelt and Board member Templin were in agreement.

Vice Chairman Fouraker said the execution, performance and recovery, by the same developer, of the neighboring job site is not neat, gates are not functional, nor are the units all occupied. He noted that 120 unit project is ambitious and has concerns on the narrow court yard and small play area. He expressed lessening the common area will be detrimental to the marketing of the units.

The property needs a better view; however he would like to see less of an urban environment. There has to be more of a product differentiation.

Attorney Callan stated if the Board is concerned about these units being operated as a hotel the Board can add a restriction on approval.

Vice Chairman Fouraker called for a motion.

The Board recommended approval of the application filed, zoning change with staff recommendations to City Council along with the additional three conditions.

Staff Recommendations,

1. The project shall comply with all provisions of the Belle Isle City Code unless otherwise modified by the conditions below. Any development activity not addressed by these conditions shall be subject to the standards of the Land Development Code.
2. The development of the property shall be consistent with the Conceptual PD Plan dated 8.28.15 from Tri 3 Civil Engineering Design Studio.
3. The development of this property shall be consistent with the landscape buffer design by Magley Design, dated August 13, 2015.
4. Should the project fail to meet the 'substantial and continuous' development standard in Section 54-77, or any other timing requirement to maintain the PD approval in good stead, the PD zoning shall lapse and return to the C-1 zoning district.
5. The applicant shall comply with all applicable requirements of Chapter 46, Concurrency Management, to ensure that all public facilities and services are available concurrent with the proposed development. Approval of this application shall not be deemed to provide any vested rights.
6. If the project is phased, all site amenities and perimeter buffering will need to be included in the first phase to ensure compatibility with surrounding development. If phased, a landscape plan for the Phase II portion of the project shall be submitted with the Development Plan for Phase I
7. This approval does not constitute final approval of the architectural elevations. Final approval of architectural elevations shall be included as part of Development Plan approval pursuant to Chapter 54-77(2)(e)(5).

Additional Board conditions,

1. Height may be increased to 39.5 feet for 3 story building as part of the design modifications presented, approved or directed by the City Manager.
2. Approval of the Condominium documents shall be submitted to the City Manager and the City Attorney for review prior to recording and issuance of the first initial building permit.
3. The applicant agrees not to operate as a hotel.

Vice Chairman Fouraker called for a motion, upon roll call,

Chairman Woods	Absent
Board member Bernstein	Absent
Board member Shenefelt	aye
Board member Jackson	aye
Board member Templin	aye
Board member McLeod	aye
Vice Chairman Fouraker	nay

Motion passed 4:1 with Vice Chairman Fouraker nay.

Attorney Callan said this is a recommendation to City Council and will be posted within the ten days for a meeting on October 6 or November 3, 2015.

Public Hearing Case#2015-08-003

Applicant Ultimate Pool Design on behalf of Sue Hammond, property owner of 1615 DeWayne Drive, Belle Isle, FL 32809, also described as Parcel I.D #30-23-30-0611-00-020, requests a variance from CH 50 SEC 50-102(d)(1) for allowance of a pool 6.3 feet from the rear property line and 7.4 feet from the side property line to the pool water's edge.

Dante Corrent from Ultimate Pool Designs representing homeowner Sue Hammond said the homeowner is a twenty year resident and is in the process of some home renovations. Due to the lot conditions and long driveway they are requesting a setback variance to accommodate a pool on an already small lot.

Sue Hammond said she moved away to California due to some family health issues and is returning home. She would like to accommodate a pool for exercising, her health and for her grandchildren when they visit.

Board member Templin said it appears if the design shifted a little, 2-3 feet, a variance will not be required.

Chris Aealos from Ultimate Pool Design said that area of the house is all glass and a pool will block the entire view of the landscaping. If the pool was set closer to the house it will create useless space.

Attorney Callan stated and clarified that this variance is for the two setbacks only and installation of the pool may trigger ISR issues. The applicant may have to lift some brick walkways, remove the pond or come back for another variance.

Sue Hammond added that the pond on the survey has been removed.

Vice Chairman Fouraker opened for citizen comments, being none he closed and opened for Board discussion.

Board member Shenefelt 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 from CH. 50 SEC 50-102(d)(1) for allowance of a pool 6.3 foot from the rear property line and 7.4 from the side property line to the pool water's edge** on the property described as 1615 DeWayne Drive, Belle Isle FL 32809, also described as Parcel I.D #30-23-30-0611-00-020 Belle Isle, Orange County, Florida.

Board member McLeod seconded the motion which passed unanimously.

Attorney Callan said this is an approval of the variance unless there is an appeal from the public. The applicant should not start any construction before 15 days of this motion.

ADJOURN

There being no further business Vice Chairman Fouraker called for a motion to adjourn, unanimously approved at 9:20pm.

Yolanda Quiceno, CMC
City Clerk

**CITY OF BELLE ISLE
PLANNING AND ZONING BOARD**

REGULAR SESSION

October 27, 2015

6:30 P.M.

ITEM 3

ADVERTISED PUBLIC HEARING – October 27, 2015

M E M O R A N D U M

TO: Planning and Zoning Board
FROM: Yolanda Quiceno, CMC-City Clerk
DATE: October 13, 2015

SUBJECT: Public Hearing Case#2015-10-001

Applicant Sarah Goodwin on behalf of Lake Conway East HOA, Inc. property owner of 5918 Cove Drive, Belle Isle, FL 32812, also described as Parcel I.D #20-23-30-0000-005, requests a variance from CH 50 SEC 50-102(a)(4)(a) to allow an accessory building to be constructed (1) foot from the property line from the required 5 feet.

Background:

1. On October 1, 2015, Sarah Goodwin submitted the required paperwork and fee for review including photographs of the HOA Lake Lot.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, October 17, 2015 Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on October 13, 2015.

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.

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.



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

David Woods
Chairman
District 1

Chris Shenefeld
District 2

Duane Jackson
District 3

Gregg Templin
District 4

Stuart Bernstein
District 5

John McLeod
District 6

Nicholas Fouraker
District 7

October 13, 2015

«Parcel»
«FullName»
«Address»
«CITY», «STZIP»

APPLICANT: Lake Conway East HOA, Inc.
P&Z CASE #2015-10-001
REQUEST: 5918 Cove Drive, Belle Isle FL
Parcel ID 20-23-30-0000-005

Dear Property Owner:

You are hereby given notice that the Planning & Zoning Board of the City of Belle Isle will hear a request for a variance for property captioned above as follows:

Applicant Sarah Goodwin on behalf of Lake Conway East HOA, Inc. property owner of 5918 Cove Drive, Belle Isle, FL 32812, also described as Parcel I.D #20-23-30-0000-005, requests a variance from CH 50 SEC 50-102(a)(4)(a) to allow an accessory building to be constructed (1) foot from the property line from the required 5 feet.

The Planning and Zoning Board will hold a public hearing on this matter on **Tuesday, October 27, 2015** at 6:30 p.m. or as soon thereafter as possible, Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Florida 32809.

You are invited to attend and express your opinion on the matter. Any person(s) with disabilities needing assistance to participate in these proceedings should contact the Planning and Zoning office at (407) 851-7730 at least 24 hours in advance of the meeting.

In the event that you decide to appeal the decision made by the Board, you will need a record of the proceeding. For that purpose, you may need to ensure that a verbatim record of the hearing is made to include evidence and testimony upon which the appeal is to be based. The burden of making such a verbatim record is on the appellant. F.S. 286.0105; 1986 Op. Atty.

Sincerely,

Yolanda Quiceno. CMC
City Clerk

P&Z Case Number 2015-10-001 - 5918 Cove Drive, Belle Isle FL 32812**October 27, 2015 Mailing Labels**

Parcel	FullName	Address	City	StZip
302320000000030	POE RALPH	499 LAKE DOE BLVD	APOPKA	FL. 32703
302320167800270	BANK OF NEW YORK MELLON TRUSTEE	4500 E CHERRY CREEK SOUTH DR STE 100	DENVER	CO. 80246
302320164600910	WREN THOMAS E ESTATE	3606 QUANDO DR	BELLE ISLE	FL. 32812
302320164600930	SWEENEY BRUCE	3618 QUANDO DR	BELLE ISLE	FL. 32812
302320167800300	PETERS GREGORY S	6505 SAINT PARTIN PL	BELLE ISLE	FL. 32812
302320167800280	AMATO DANIEL R	6421 SAINT PARTIN PL	BELLE ISLE	FL. 32812
302320164600890	GUCWA GARRY M	3613 QUANDO DR	BELLE ISLE	FL. 32812
302320167800291	BROWN LEONARD D	6427 SAINT PARTIN PL	BELLE ISLE	FL. 32812
302320167800230	SELVA DAVID R	6428 SAINT PARTIN PL	BELLE ISLE	FL. 32812
302320164600920	HATTAWAY THOMAS L	3612 QUANDO DR	BELLE ISLE	FL. 32812
302320498000230	MADDEN JOYCE C LIFE ESTATE	6501 THE LANDINGS DR	BELLE ISLE	FL. 32812
302320000000029	MARTIN KENNETH R	5874 COVE DR	BELLE ISLE	FL. 32812
302320166300050	ROLLMAN LEO F	5909 COVE DR	BELLE ISLE	FL. 32812
302320167800260	HARDEN KELLY C	6409 SAINT PARTIN PL	BELLE ISLE	FL. 32812
302320000000005	LAKE CONWAY EAST HOMEOWNERS ASSN INC	PO BOX 622622	ORLANDO	FL. 32862
302320167800220	WEST JOHN N JR	6504 SAINT PARTIN PL	BELLE ISLE	FL. 32812
302320164600900	BARTOS BRETT A	3600 QUANDO DR	BELLE ISLE	FL. 32812
302320167800220	WEST JOHN N JR	6504 SAINT PARTIN PL	BELLE ISLE	FL. 32812
302320167800230	SELVA DAVID R	6428 SAINT PARTIN PL	BELLE ISLE	FL. 32812
302320166300070	DAVIS WARD H	5912 COVE DR	BELLE ISLE	FL. 32812
302320166300060	PARDEE ELLIOTT T	5900 COVE DR	BELLE ISLE	FL. 32812
302320166300040	WOOD DANIEL T	5907 COVE DR	BELLE ISLE	FL. 32812
302320167800240	KELLY BARBARA	6416 SAINT PARTIN PL	BELLE ISLE	FL. 32812

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: 10-1-15

P&Z CASE #: 2015-10-001

VARIANCE SPECIAL EXCEPTION OTHER

DATE OF HEARING: 10/27/2015

APPLICANT: SARAH Goodwin

OWNER: LAKE CONWAY EAST HOA, INC.

ADDRESS: 4324 KANDRA Ct
Belle Isle 32812

5918 COVE DRIVE
Belle Isle 32812

PHONE: 407-855-5143

PARCEL TAX ID #: 20-23-30-0000-005

LAND USE CLASSIFICATION: 0019 VACANT ZONING DISTRICT: R-1-AA

DETAILED VARIANCE REQUEST: Allow setback from 5ft. to 1 ft. (close to fence + hedges)
10 X 6 Storage shed

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.

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

10/2/15
Date Paid

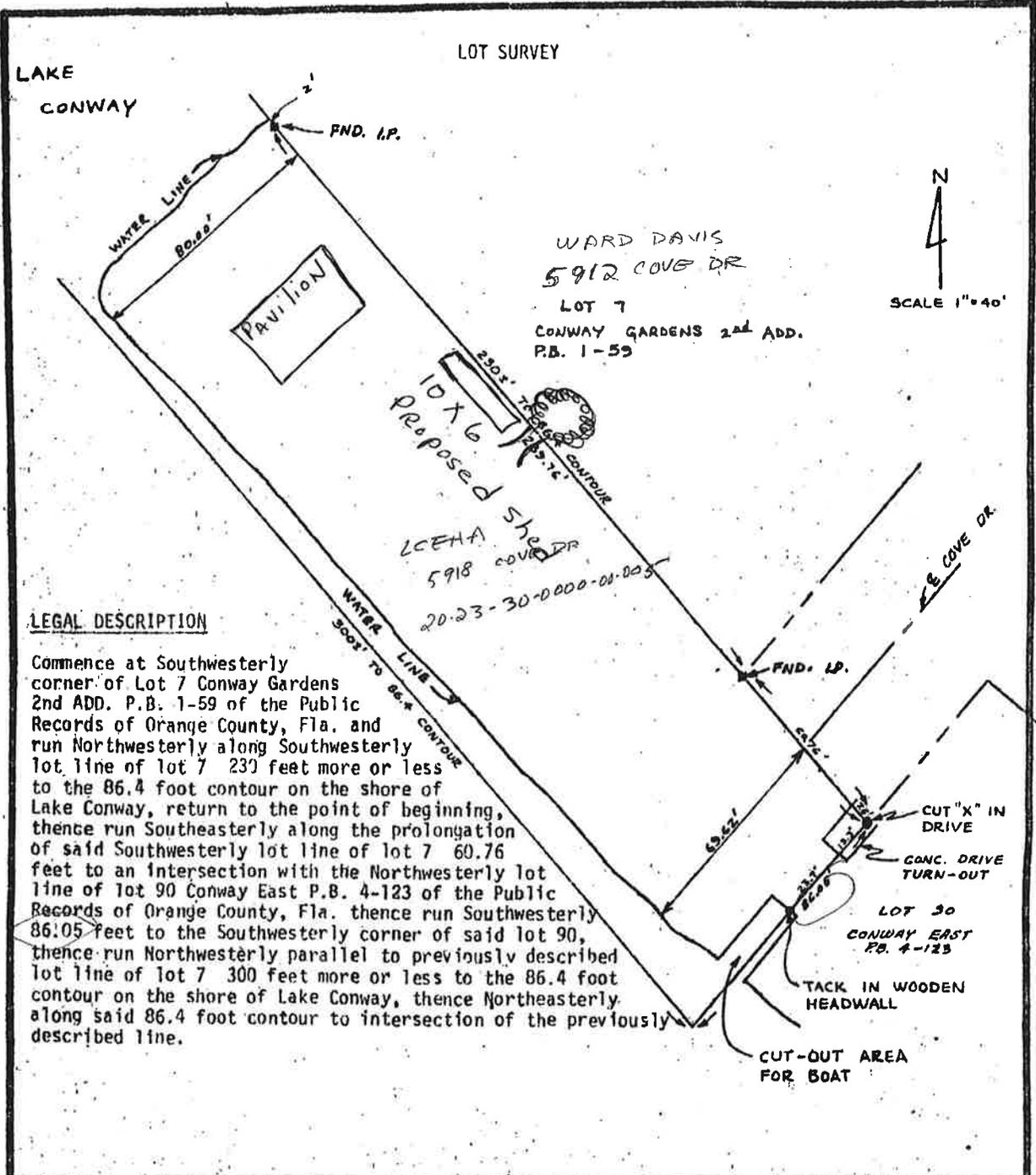
1362
Check/Cash

Hunter
Rec'd By

Determination

Appealed to City Council: Yes No

Council Action:



WARD DAVIS
 5912 COVE DR
 LOT 7
 CONWAY GARDENS 2ND ADD.
 P.B. 1-59

N
 SCALE 1"=40'

LEGAL DESCRIPTION

Commence at Southwesterly corner of Lot 7 Conway Gardens 2nd ADD. P.B. 1-59 of the Public Records of Orange County, Fla. and run Northwesterly along Southwesterly lot line of lot 7 231 feet more or less to the 86.4 foot contour on the shore of Lake Conway, return to the point of beginning, thence run Southeasterly along the prolongation of said Southwesterly lot line of lot 7 60.76 feet to an intersection with the Northwesterly lot line of lot 90 Conway East P.B. 4-123 of the Public Records of Orange County, Fla. thence run Southwesterly 86.05 feet to the Southwesterly corner of said lot 90, thence run Northwesterly parallel to previously described lot line of lot 7 300 feet more or less to the 86.4 foot contour on the shore of Lake Conway, thence Northeasterly along said 86.4 foot contour to intersection of the previously described line.

SURVEY ORDERED BY:
 Mr. Paul J. Wood
 American Group One
 P. O. Box 833
 Orlando, Florida 32802

CERTIFICATION:
 I hereby certify that the foregoing described property was surveyed and found to be as shown.

William G. Shane
 Fla. Reg. Land Surveyor 12519

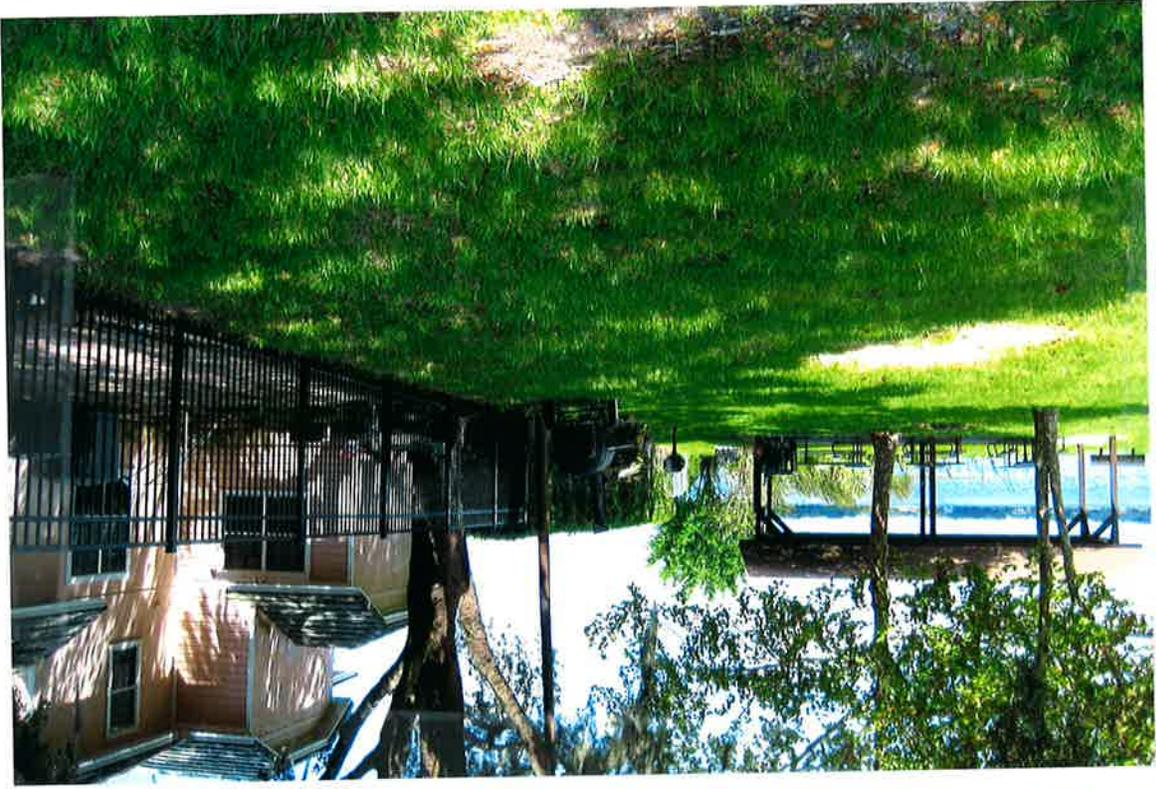


Post, Buckley, Schuh, & Jernigan, Inc.
 CONSULTING ENGINEERS, SURVEYORS AND PLANNERS

Job No: 700-000.00
 Field Book: 8
 DATE: 8-8-75
 DRAWN BY: CRL

3319 MAGUIRE BOULEVARD, SUITE 130, ORLANDO, FLORIDA 32803
 Telephone: 305/894-0041

CHECKED BY: CMH



**CITY OF BELLE ISLE
PLANNING AND ZONING BOARD**

REGULAR SESSION

October 27, 2015

6:30 P.M.

ITEM 3

SAMPLE MOTION TO APPROVE:

"I move, 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 from CH 50 SEC 50-102(a)(4)(a) to allow an accessory building to be constructed (1) one foot from the property line from the required (5) five feet on the property described as 5918 Cove Drive, Belle Isle, FL 32812, also described as Parcel I.D #20-23-30-0000-005 Belle Isle, Orange County, Florida.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of Chapter 42, Article III, Section 42-64(1) 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 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:

- from CH 50 SEC 50-102(a)(4)(a) to allow an accessory building to be constructed (1) one foot from the property line from the required (5) five feet on the property described as 5918 Cove Drive, Belle Isle, FL 32812, also described as Parcel I.D #20-23-30-0000-005 Belle Isle, Orange County, Florida.

SUBSECTION (D), 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
PLANNING AND ZONING BOARD**

REGULAR SESSION

October 27, 2015

6:30 P.M.

**ITEM 4
Adjourn**

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.