
NOTICE OF PUBLIC MEETING
May 28, 2019- 6:30 PM

CITY OF BELLE ISLE
PLANNING AND ZONING BOARD REGULAR SESSION

1. Call to Order, Confirmation of Quorum and Pledge to the Flag
2. Approval of Minutes:
 - a. Approval of March 26, 2019 minutes
 - b. Approval of April 23, 2019 minutes
3. PUBLIC HEARING CASE #2019-05-017 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE WITH COLUMNS AND A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANTS WHITNEY AND JEFF JOHNSON LOCATED AT 6806 SEMINOLE DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #29-23-30-4389-02-010.
4. Other Business:
 - a. Discussion on Land Development Code Changes - Fences, walls, and perimeter buffering
5. Adjournment

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
March 26, 2019 – 6:30 pm

Dan Langley City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Shawn Jervis District 3	Randy Holihan District 4	Rainey Lane District 5	Russell Cheezum District 6	Nicholas Fouraker Chairman District 7
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On Tuesday, March 26, 2019, the Belle Isle Planning & Zoning Board met in a regular session at 6:30 pm in the Belle Isle City Hall Council Chambers. Present was Chairman Fouraker, Vice Chairman Woods, Board member Lane, Board Member Cheezum, Board member Holihan and Board member Shenefelt. Also present was Attorney Dan Langley, City Manager Francis, City Planner April Fisher and City Clerk Yolanda Quiceno.

Absent was Board member Jervis.

1. CALL TO ORDER

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

Chairman Fouraker announced that Board member Jervis would not be able to attend and requested a motion for an excused absence.

Board member Lane motioned the approved absence for Board member Jervis. Board member Holihan seconded the motion, which passed 6:0.

2. APPROVAL OF MINUTES

a. Approval of the February 26, 2019 minutes

Board member Holihan motioned to approve the minutes as presented.

Vice Chairman Woods seconded the motion which passed 6:0.

- 3. Public Hearing Case #2018-08-057 (CONTINUED FROM JANUARY 22, 2019) - Pursuant to Belle Isle Code Sec. 42-64 the Board shall consider and take action on a requested variance from Sec. 50-73, to allow a maximum building height of 33 feet instead of the standard maximum allowed building height in the C-1 zoning district of 30 feet, and take action on a requested variance from Sec. 50-72 (d) (1), to allow the widths of interior driveways to be 22 feet instead of 25 feet, and take action on a requested variance from Sec. 50-72 (a) (1) to allow a parking space ratio of 0.7 spaces for every Hotel room instead of the required 1 space for every hotel room plus 1 for every 100 square feet of office/ lobby area submitted by applicant Capital Lodging, LLC, Located at 1853 McCoy Road, Belle Isle FL 32809, also known as Parcel #30-23-30-0000-00-012.**

Vasu Persaud with Traffic Planning & Design spoke on behalf of the applicant with offices at 535 Versailles Drive, Maitland FL. He gave a summary on some of the issues discussed at the last public hearing as follows,

- Extended Stay – Mr. Persaud re-confirmed that the applicant will not be applying for an extended stay hotel. He noted that the applicant is aware that based on the City's Code definition it precludes the amenities for extended stay rooms and will not be allowed even if requested.
- Fence – Quote has been obtained to repair the fence throughout the property. They proposed to repair the entire fence during the renovation phase instead of a partial fix.
- Cameras and Security System – Quote has been obtained and have committed to installing the equipment during the renovation phase
- Parking – The Board requested a more localized parking study. The applicant presented the study which supports the variance request. The applicant is looking for the opportunity to allow spillover parking utilizing the Red Coach location.

Vice Chairman Woods stated, after review of the parking study, have noticed that the design parking ratio of .72 of the average number collected. As a condition of the approval, the ratio should be capped at .7 and not allow the ratio to be reduced further to allow a feasible buffer. The applicant agreed to the proposed condition.

Vice Chairman Woods addressed the existing storm drain under the proposed building and asked for clarification because in general is not accepted engineering practice. The applicant said they intend to relocate the storm drain to the parking area.

Mr. Woods further noted the western quarter of the property discharged from the site with no treatment based on the grades and the inlets are lower than the storm drains. After discussion, the applicant stated that they would address the concern during the design process of the application.

In prior discussions, Mr. Woods said the applicant stated that they would not have any meeting spaces in the project and in the updated site plan it shows a meeting room and a board room on the floor plan. Jeff Gaither, Architect from Studio 407 with offices at 4101 Woodland Lane Orlando representing the applicant, said the board and meeting room is a common footprint among most hotel brands. The rooms are a not-for-hire-use but for utilization by the guest of the hotel. The intent is a typical footprint for a Wyndham type hotel with a ten people maximum capacity.

Mr. Woods asked if the three local hotels used for the Parking Study have meeting rooms. The applicant said of the three local hotels two do not have meeting rooms.

Mr. Woods said the 22ft-width drive lane was not mentioned on the plans as the Board previously requested. It appears that there is a choke point near the entrance with a 17ft-width drive lane and widens out. It then gets slightly narrow by the handicap spaces. After discussion, the applicant said it could be reviewed and corrected as required during the site plan process.

Board member Holihan said, for the record, he had a conversation with the Traffic Consultants outside of the meeting. Mr. Holihan said the initial traffic study completed in January which is the least busy time for the hotel. The applicant said the average occupancy during the week in January was 80-90% for most area hotels.

Board member Holihan shared his concern with the width of the parking spaces. The applicant said most of the existing parking spaces are 9-feet. Mr. Holihan said he has visited the site in the morning and have noticed that it was approximately 85% full. He is concerned that the parking plan presented will not accommodate the new addition of proposed rooms.

Mr. Vasu explained that periodically the hotel owner would schedule the night staff to audit the vacant parking spaces to provide a frequent flow of data. The parking does fluctuate; however, the study is not only based on the number of parking spaces but also the occupancy divided by the number of rooms.

Board member Holihan asked if the applicant will have to have an approved landscaping plan before site plan approval. Ms. Fisher said yes.

April Fisher provided an update, for clarification, on discussions between the applicant and the City Attorney. Ms. Fisher said the applicant did not agree with the language provided by the City Attorney regarding the restriction on extended stays. She said that the applicant will still like to have a small refrigerator microwave in each room and a guest laundry area. The Board will need to agree on the language based on the definition presented by the City Attorney before approval.

Mr. Vasu noted that if the basic requirement of a small refrigerator and microwave not be allowed it will take away approximately 80% of the hotel brands. In addition he said that higher end hotels such as a Hilton would not have a microwave in the room to encourage guests to visit the hotel restaurant.

Attorney Langley read the language provided as a definition for an extended stay to read as follow for consideration, "Extended stay hotel means a hotel, motel or any other public lodging establishment with guest rooms where lodging offered to the public for compensation which (1) are advertised, designed or intended or routinely utilized for weekly or monthly occupancy, (2) 20% or more of the guest rooms have facilities for refrigeration and preparation of food by guests such as a refrigerator, a microwave, and a dishwasher or kitchenette sink or any other guests rooms have a cooktop or stove. In no event shall the hotel/motel provide or offer self serve laundry facilities, example laundry mat for the guest." Attorney Langley said this definition is currently not in the code and provided a draft for Board consideration." The Board further discussed the differences between a hotel (decorative lobby and breakfast amenities) and a motel (parking outside of the guest room, no breakfast amenities or lobby).

Bob Francis asked for clarification on the conversations regarding overflow parking. The applicant said the conversation consisted of sharing Red Coach's parking spaces with hotel overflow parking when needed. He noted that the Hotel has not had to use Red Coach's space in the last three years.

Mr. Vasu said four conditions describe extended stays. He noted,

1. Advertising as an extended stay
2. 20% of rooms have a refrigerator, preparation area, and a sink
3. Rooms with cook-top stove
4. Rooms equipped with washing machine

The applicant requested, for the record, they will

- not advertise as an extended stay
- request a mini refrigerator and a microwave
- request a central 2nd-floor single laundry room

Chairman Fouraker discussed the disrepair of the surrounding fence and provided three pictures for reference. He believed, after the last hearing, there was a good faith agreement that the fence be remedied before this meeting. April Fisher said nothing has changed in the expectation. She said she reminded the applicant and after speaking with them, they stressed that they wanted to wait for this meeting to provide the Board a quote. The applicant said they did not believe it cost effective to patch up a partial fence and preferred to wait for the construction stage to repair the fence in its entirety that is aesthetically pleasing. After further discussion, the property owner stated that he could assure the completion of the minor repairs as requested in the interim.

The Board discussed the security camera system replacement. Chairman Fouraker said the proposal does not appear to be an adequate resource to prevent crime on the property. He clarified as a condition he would like to ensure an increase in the number of security cameras proposed and approval of the installation layout, an upgrade on the image recovery system and the Belle Isle Police Department approval of the new system to ensure the system accessibility. The applicant said the proposals are a good faith attempt to show that he is looking for the best solution as requested by the Board and will do his part to install an acceptable product. The applicant further noted that they have met and walked-through the property with the Belle Isle police officers and are in agreement to move forward as discussed.

Vice Chairman Woods said the current number of parking spaces reported is 164 with a ratio of .88 on a fully occupied building. However, he counted a total of 180 existing spaces on the submitted survey. Mr. Woods said the number of parking spaces provided does not coincide with the Traffic plan submitted. He asked what is the actual number of parking spaces because not having parking available can hurt their business at a .7 ratio as presented. The lack of parking also hurts the customer and the City must ensure public safety.

April Fisher asked for clarification on the second table – parking calculations and build-outs: Chart C1 showing a parking ratio of .63. Mr. Vasu said the applicant has discounted the common areas for one space for every hundred and the remaining portion was used for calculating the ratio.

Mr. Vasu said one of the concerns shared by City staff was the timeframe of the survey taken in January. Mr. Vasu said there are three data points for obtaining the data which included the following factors, (1) parking study based on collected data, (2) Uber and free shuttle service availability and (3) the provision to partner with Red Coach on overflow parking. Discussion ensued.

April Fisher stated that the Code requires any shared parking between two entities should be in form of an agreement and approved by the City.

Attorney Ardaman asked if the Board would like him to continue discussions with the applicant on an Extended Stay definition. There was no Board consensus on the question.

Mayor Fouraker opened Public Comment.

1. Holly Bobrowski residing at 2400 Hoffner Avenue said she does not believe may patrons would stay in a hotel without standard refrigerator accessibility.

There being no further comments Mayor Fouraker closed public comment and opened for Board discussion and motion.

Vice Chairman Woods said because the physical parking count on the site plan is off so significantly it creates many questions on the validity of the data by their information. He believes the applicant can rectify this by providing additional, factual data. He believes a standard hotel room should have a small refrigerator, a small microwave and a small laundry area. He further added not included is the lobby area in the calculation. He believes this calculation should be acceptable per code. Discussion ensued.

Chairman Fouraker further noted that he would like to see a description of flag hotel amenities for discussion.

April Fisher said she has some concerns on some of the inconsistencies in their presentation. She further added that one of the items on the Staff report which has not been addressed by the applicant is for review of the buffer and landscaping requirements. Their buffers do not currently meet code and will need to be brought to code through the variance process. Based on this fact, she recommends that these conditions be added to the arrival of the Site Plan review. The Board issued the site review process.

Mr. Vasu said he spoke with his Junior Engineer and confirmed Vice Chairman Woods, the total count of 180 spaces. He explained that his study did not include the eight (8) handicap parking spaces and eight (8) construction trucks parked sideways totaling the 164 proposed ratios.

After further discussions, the Board agreed on the following requirements for approval,

- I. Correct the parking spaces, existing calculation, and ratios to clarify what is current and proposed; including clarifying the square footage of office and lobby space defined as an office or any common useful area for staff and customers.
- II. Agree to extended stay language and include industry requirements for Flag standard rooms concerning microwaves, refrigerator and guest laundry rooms
- III. Repair existing fence before next hearing (Board will accept a securely, patched-up fence replacement in the interim).
- IV. Require a site plan with the new proposed fence
- V. Require Security (Interior/Exterior) plan as part of the Site Plan application to include the data and interface to law enforcement
- VI. Required Lighting plan for the site
- VII. Require Landscaping plan as part of the Site Plan application
- VIII. Repair existing drainage problems and untreated runoff per the City's engineering review and recommendation.
- IX. Require a conceptual drainage plan that includes piping existing/proposed and water treatment
- X. Hearing continuance not to be approved to a date certain but re-advertise to a future hearing. The applicant agreed with a continuance to a date uncertain.

For the record, April Fisher stated that the applicant did not include the lobby area and handicap spaces ratio during the parking study discussion. Ms. Fisher recommends that the information be placed in the report, as required by code, for transparency and approval. Discussion ensued.

Board member Holihan moved to table Public Hearing Case 2018-08-057 to allow the applicant time to respond to the deficiencies outlined during the discussion to staff's satisfaction.

Vice Chairman Woods seconded the motion which passed unanimously.

4. **Public Hearing Case #2018-08-062** (CONTINUED FROM JANUARY 22, 2019) - Proposed Development Site Plan. Under Belle Isle Code Sec. 54-79 (f) (4), the Board shall review and take action on the proposed site plan, submitted by APPLICANT Capital Lodging, LLC, located at 1853 McCoy Road, Belle Isle FL 32809, also known as Parcel #30-23-30-0000-00-012.

Board member Holihan moved to table Public Hearing Case 2018-08-062 to an uncertain date and re-advertised.

Board member Lane seconded the motion which passed unanimously.

April Fisher stated that she would provide a letter to the applicant for clarification on the actions taken tonight.

OTHER BUSINESS

Land Development Changes Discussion

Board consensus was to table the discussion on the development changes for the April meeting to allow discussion of code revisions. Board member Cheezum seconded the motion which passed unanimously.

Chairman Fouraker formally submitted his letter of resignation from the Planning & Zoning Board. He thanked all Board members for their continued service. The Board accepted his resignation.

Chairman Fouraker opened for the appointment of Chairperson until City Council appoints a new District 7 Board Member.

Vice Chairman Woods nominated Randi Holihan as Chairman.

Board member Shenefelt seconded the motion which passed unanimously.

Board member Cheezum notified the Board that he will be moving out of the City and will be resigning from the P&Z Board at the next meeting.

ADJOURNED

There being no further business Chairman Fouraker called for a motion to adjourn, unanimously approved at 9:25 pm.

Yolanda Quiceno
City Clerk, CMC



City of Belle Isle
Planning & Zoning Board Regular Session Minutes
April 23, 2019 – 6:30 pm

Dan Langley City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Shawn Jervis District 3	Randy Holihan Chairman District 4	Rainey Lane District 5	Russell Cheezum District 6	OPEN Chairman District 7
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On Tuesday, April 23, 2019, the Belle Isle Planning & Zoning Board met in a regular session at 6:30 pm in the Belle Isle City Hall Council Chambers. Present was Chairman Holihan, Vice Chairman Woods, Board member Shenefelt. Also present was Attorney Geller, City Manager Francis, City Planner April Fisher and City Clerk Yolanda Quiceno.

Absent were Attorney Langley, Board member Lane, Board Member Cheezum and Board member Jervis. District 7 – open seat.

1. Call to Order
2. Approval of Minutes
Chairman Holihan called the meeting to order at 6:30 pm and opened with the Pledge of Allegiance.
Chairman Holihan confirmed that there was not a quorum present.
City Clerk requested the minutes of March 26, 2019, be included on the May agenda for approval.
3. Discussion on Land Development Changes – Fences, walls, and perimeter buffering
Board member Holihan asked how the Board can start the process for discussion on Land Development changes. April Fisher presented a brief PowerPoint addressing the adoption of an Ordinance in 2005 which encourages visual openness and the preservation of the natural environment to prohibit fences and walls in the front yard. Ms. Fisher provided a few samples of fences and wall that are problematic in the City with common characteristics such as deep lots, busy street traffic and many properties with existing fences/walls and gates. The Board addressed different scenarios with properties on Seminole Drive, Daetwyler Drive, Hoffner, Oak Island and the east end of Nela.

The Board discussed,
 - Keeping the code as written;
 - Create an overlay that allows fences and walls along specified streets and establishes a code with a maximum height, design standard, and materials; or
 - Remove the prohibition of fences and walls in the front yard.
Attorney Geller said the Board might approve some conditions as follows
 - Legislative Determination – Changes made to the code for consistency, adaptability and rational basis for the legislation.
 - Trial Overlay – Propose a trial overlay for certain areas around the City for a prescribed period of time.
After discussion, the Board consensus was to report the findings of this discussion to the entire Board at the May meeting.
4. OTHER BUSINESS
For the record, Chairman Holihan said Board member Lane did her absence excused due to personal scheduling conflicts.
5. ADJOURNED
There being no further business Chairman Holihan adjourned the meeting at 7:45 pm.

Yolanda Quiceno
City Clerk, CMC

May 15, 2019

Variance Application: 6806 Seminole Drive

Applicant Request: Variance to allow a fence with columns and gate in the front yard

Existing Zoning/Use: R-2/ single-family home

Review Comments

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow a five-foot black aluminum fence and gate with decorative columns in the front yard. The code expressly prohibits fences or walls in the front yard of a property. A variance is required before the wall can receive a building permit.

The board in granting an application for the variance may consider as justifying criteria, the following from Sec. 50-102 (b) (16):

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction materials of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional privacy or security need of applicant.

The requirements of Sec. 42-64 (1) except for subsections 42-64 (1) (d) and (1) (f) shall otherwise be met.

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

Staff Recommendation

Based on the applicants' identification that security is a concern due to the very long driveway to the house and the safety concerns for their pets, staff recommends approval of the requested variance. These items identified are consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) and the required criteria in Sec. 42-64 (1).

NOTICE OF PUBLIC MEETING

MAY 28, 2019 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 3 MEMORANDUM

TO: Planning and Zoning Board

DATE: May 14, 2019

PUBLIC HEARING CASE #2019-05-017

PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE WITH COLUMNS AND A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANTS WHITNEY AND JEFF JOHNSON LOCATED AT 6806 SEMINOLE DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #29-23-30-4389-02-010.

Background:

1. On April 24, 2019, Whitney and Jeff Johnson submitted the application, fee, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, May 18, 2019, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Tuesday, May 14, 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 Section 42-64 of the Belle Isle Land Development Code having been met TO APPROVE this request for a variance from Sec. 50-102 (B) (5), Sec. 50-102 (B) (16), to allow a requested variance to place a fence with columns and a gate in the front yard of a residential property, submitted by applicants WHITNEY AND JEFF JOHNSON location at 6806 SEMINOLE DRIVE, BELLE ISLE, FL 32809 also know as PARCEL #29-23-30-4389-02-010.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code, Section 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** this request for a variance from Sec. 50-102 (B) (5), Sec. 50-102 (B) (16), to allow a requested variance to place a fence with columns and a gate in the front yard of a residential property, submitted by applicants WHITNEY AND JEFF JOHNSON location at 6806 SEMINOLE DRIVE, BELLE ISLE, FL 32809 also know as PARCEL #29-23-30-4389-02-010

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.

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 4-24-19 P&Z CASE #: 2019-05-017
☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: May 21 2019
APPLICANT: Whitney & Jeff Johnson OWNER: Whitney & Jeff Johnson
ADDRESS: 6806 Semihole Dr. same
Belle Isle, FL 32812
PHONE: 407-416-9954
PARCEL TAX ID #: 29-23-30-4389-02-010

LAND USE CLASSIFICATION: R-1-AA ZONING DISTRICT: aluminum

DETAILED VARIANCE REQUEST: Approval to place an fence and gate in our front yard. Proposed fence / gate will be black aluminum and stand 5' tall in front, with double opening arched gate for entry with decorative column with lights flanking each side of the driveway. It will match the fence / gate in back that will
SECTION OF CODE VARIANCE REQUESTED ON: secure the pool standing 4' tall w/ 3 bars 2nd bar @ least 45" high to meet pool 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.

Whitney Johnson Whitney Johnson
APPLICANT'S SIGNATURE OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

5/2/19
Date Paid

#1001
Check/Cash


Hwp
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

The particular circumstance unique to our property is it has a very long driveway, and as a result, our home is set further back on the lot which presents a security concern for us and a safety concern for our pets. The circumstance was created because the driveway is necessary for access to the property. The size of the lot dictated the length of the driveway. The unnecessary hardship is the inability to construct a front yard fence and gate. Granting the variance would not alter the essential character of the locality. It is not feasible to secure our property by other means since plant life could help conceal trespassers. Approval of the variance would be compatible and consistent with the current landscape of the neighborhood.

 COPY

Prepared By and Return To:
Celebration Title Group
Attn: Amanda C Douglas
950 Celebration Blvd, Suite D
Celebration, FL 34747

Order No.: 2019030370

Property Appraiser's Parcel I.D. (folio) Number:
29-23-30-4389-02010

WARRANTY DEED

THIS WARRANTY DEED dated April 30, 2019, by 6806 Seminole, LLC, a Florida limited liability company, existing under the laws of Florida, and having its principal place of business at 6413 Pinecastle, Unit #3, Orlando, Florida 32809 (the "Grantor"), to Jeffrey A Johnson, Jr. and Whitney W Johnson, husband and wife, whose post office address is 6806 Seminole Dr, Belle Isle, Florida, 32812 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of No Dollars And No/100 Dollars (\$0.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in County of Orange, State of Florida, viz:

Lot 1, Block B, LAKE CONWAY PARK, according to the Plat thereof, recorded in Plat Book G, Page 138, of the Public Records of Orange County, Florida.

ALSO: Begin at the Southwest corner of Lot 1, Block B, LAKE CONWAY PARK, in Plat Book G, Page 138, run South 81 degrees 46 minutes East 233.3 feet to the Southeast corner of Lot 3; thence South 25 degrees 32 minutes West 180 feet along a prolongation of East line of said Lot 3 to the waters of Lake Conway; thence North 71 degrees 25 minutes West 236 feet along Lake Conway to the West line of Lot 1 prolonged; thence North 30 degrees, East 140 feet to the Point of Beginning. All in Section 30, Township 23 South, Range 30 East.

Property is not the homestead of the grantor (seller) nor contiguous to the homestead of the grantor as defined by the constitution of the state of Florida

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in FEE SIMPLE forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: 2018.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

6806 Seminole, LLC, a Florida limited liability company

BY:

Christopher M Comins
Christopher M Comins
Manager

[Signature]
Witness Signature

Jason Sandvil
Printed Name of First Witness

[Signature]
Witness Signature

Jensherise Samayoa
Printed Name of Second Witness

Grantor Address:
6413 Pinecastle, Unit #3
Orlando, FL 32809

STATE OF FLORIDA

COUNTY OF Orange

I, Jason Sandvil, a Notary Public for the County of Orange and State of Florida, do hereby certify that Christopher M Comins, as manager of and on behalf of 6806 Seminole, LLC, a Florida limited liability company personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 30th of April, 2019.

[Signature]
Notary Public

My Commission Expires: 3/21/21

(SEAL)



Jason Sandvil
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG085242
Expires 3/21/2021



ADDRESS
6806 SEMINOLE DRIVE
ORLANDO, FL. 32812

LEGEND:

A/C = AIR CONDITIONER
CC = COVERED CONC
CE = COVERED ENTRY
CLF = CHAIN LINK FENCE
CMT = CONCRETE MATTED END STRUCTURE
CONC = CONCRETE
COV = COVERED
C/S = CONCRETE SLAB
CR = CONCRETE WALKWAY
ENCL = ENCLOSED LANAI
FN = FOUND
ID = IDENTIFICATION
LICB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
M = METAL FENCE
N. E. S. W. = CARDINAL DIRECTION
OHL = OVERHEAD UTILITY LINES
PWS = PAVEMENT ON SITE / OFFSITE
P.B. BOOK = OFFICIAL RECORDS BOOK
P.C. = POINT OF CURVATURE
P.C. = POINT OF COMPOUND CURVATURE
PG = PAGE
P.I. = POINT OF INTERSECTION
P.R.C. = POINT OF REVERSE CURVATURE
P.T. = POINT OF TANGENCY
P.V. = PAVEMENT
S.S. = REGISTERED LAND SURVEYOR
SC = STRENGTHENED CONCRETE
SHL = STORM MANHOLE
SSWH = SANITARY SEWER MANHOLE
V = VALVE
W = WOOD DECK
WF = WIRE FENCE
W = WOOD FENCE
WWF = WOOD AND WIRE FENCE
□ = CONCRETE COMPOUND (CP)
○ = DRILL HOLE (MH)
○ = DRILL HOLE & CAP (HP)
○ = IRON ROD AND CAP (PR)
○ = HAIL & EXIST (HAG)
— = CABLE TV RISER
— = PATCH BASIN / INLET
— = DRAINAGE MANHOLE
— = ELECTRIC BOX
— = FIRE HYDRANT
— = GUY WIRE
— = LIGHT POLE
— = RISER BOX
— = SANITARY CLEANOUT
— = SANITARY MANHOLE
— = SIGN
— = TELEPHONE RISER
— = TRANSFORMER
— = POWER POLE
— = OVERHEAD UTILITIES
— = WELL
— = WATER METER
— = WATER VALVE
— = LINE NOT DRAWN TO SCALE
(F) = FIELD
(P) = PLAT
(D) = DEED
— = IRRIGATION PUMP
— = SEPTIC LID
— = PROGRAM LID

JOB #: VLSR19-33478	
CLIENT #:	
FIELD DATE: 4-23-19	CREW: SCHOBER
DRAFTER: HS	
APPROVED: JEW	
SCALE: 1" = 30'	

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X
Borrower's Acknowledgment and Acceptance

X
Borrower's Acknowledgment and Acceptance

Boundary Survey

Legend

--- front fence
^^^ gate across driveway



Legal Description (AS FURNISHED)

Lot 1, BLOCK B, LAKE CONWAY PARK, according to the map or plat thereof as recorded in Plat Book G, Page 138, Public Records of ORANGE County, Florida.

ALSO: A PORTION OF LAND BETWEEN THE EAST AND WEST PROPERTY LINES OF LOT 1, BLOCK 8, LAKE CONWAY PARK, IN PLAT BOOK G, PAGE 148, EXTENDED TO THE WATERS OF LAKE CONWAY, BEGIN AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 8, THENCE RUN SOUTH 91° DEGREES $46'$ MINUTES $43"$ EAST 91.774 FEET, THENCE SOUTH 35 DEGREES $23'$ MINUTES $18"$ WEST 140.16 FEET TO THE WATERS OF LAKE CONWAY; THENCE NORTH 91° DEGREES $26'$ MINUTES $58"$ EAST 91.774 FEET ALONG LAKE CONWAY, THENCE NORTH 24 DEGREES $42'$ MINUTES $38"$ EAST 181.774 FEET TO THE POINT OF BEGINNING.

ALL IN SECTION 30, TOWNSHIP 13 SOUTH, RANGE 10 EAST.

ADDITIONAL NOTES:

3. Additions or deletions to this survey by anyone other than the signing party or parties is prohibited without the written consent of the signing party or parties.

4. The property shown hereon is subject to all easements, restrictions and reservations which may be shown or noted on the record plat and within the public records of the county the subject property is located. This survey only depicts survey related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor.

5. Building ties and dimensions for improvements should not be used to reconstruct boundary lines.

CERTIFIED TO BE FORWARDED
JULIE A. JOHNSON & BETHANY R. JOHNSON
AMERICA'S MONEY SOURCE INC. EASTMAN
CELEBRATION TITLE GROUP
800-967-2222 • FAX 800-967-2222

FLOOD ZONE

LIST OF POSSIBLE ENCUMBRANCES:
NONE LISTED IN THE PUBLIC RECORDS
FENCIBLE CROSS PROPERTY LINES
ENCUMBRANCE OF 41 FEET 2 IN SETTLEMENT D

NOTES

1. UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY.

2. THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.

THIS SURVEY IS INTENDED FOR THE EXCLUSIVE

VISIONLAND

LE 7768

DATE		REVISION		DATE		REVISION	
4-28-78							
		CHANGE IN LEGAL					

[illegible]

Belle Isle Planning and
Zoning Board Meeting
March 26, 2019

FENCES AND WALLS

**DEVELOPMENT CODE, CHAPTER IV, ARTICLE C,
SECTION 1 (B) FENCES: PROVIDING SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Belle Isle City Council has determined it is necessary to amend Chapter IV, Article C, Section 1 – Fences:

WHEREAS, the City of Belle Isle encourages visual openness and the preservation of the natural environment and although fences and walls are inconsistent with this intent they may be desired by residents for safety, noise abatement, and/or security; and

NOW, THEREFORE, BE IT ORDAINED THAT Chapter IV, Article C, Section 1(B) shall be amended as follows:

Section 1.

(B) *Fences and Walls:*

(1) For the purpose of this Ordinance, certain words used herein are defined as follows:

“Fence” shall mean a barrier erected upon, or immediately adjacent to, a property line for the purpose of separating properties, or for screening, enclosing and/or protecting the property within its perimeter. A fence may be constructed of materials including, but not limited to metal, wood, plastic, or other synthetic material. A fence shall not include construction site barriers, landscape treatments or privacy screens as defined herein.

“Wall” shall mean a barrier erected upon, or immediately adjacent to, a property line for the purpose of separating properties, or for screening, enclosing and/or protecting the property within its perimeter. A wall may be constructed of finished materials including, but not limited to concrete masonry units, precast concrete panels, bricks, concrete, stucco, or stone.

“Privacy Screen” shall mean a barrier erected within the interior of a parcel of property and not upon, or immediately adjacent to, a property line for the purpose of obscuring patios, decks, courtyards, swimming pools and other similar outdoor features, from observation by persons outside the perimeter of the property. Privacy screens shall not include landscape treatments.

(2) Scope

IN 2005, CITY
COUNCIL
CHANGED THE
CODE TO
PROHIBIT
FENCES AND
WALLS IN THE
FRONT YARD.

THE LANGUAGE IN THE CODE STATES NO FENCES OR WALLS SHALL BE PERMITTED IN FRONT YARDS.



7484 DAETWYLER DR, ORLANDO, FL 32812 2/16/2016 9:24 AM

there is conflict, the provisions of Chapter IV, Article A, Section 5(J) and Chapter IV, Article B, Section 3(D), shall prevail over this section 1(B).

(3) General Requirements for Fences, Walls, and Privacy Screens:

No fence, wall or privacy screen shall be installed, erected or maintained except in strict compliance with the following requirements:

- (a) Metal Fences - shall consist of new materials manufactured and/or treated in a manner to prevent rust and corrosion.
- (b) Wood Fences - shall be constructed of new materials and painted, stained or preserved in a manner to maintain the fence in good structural condition.
- (c) Plastic or other Synthetic Material Fences – shall be constructed of material specifically manufactured as fencing, only new such materials shall be used and they shall be treated and maintained in a manner to maintain the fence in good structural condition and with an appearance that is aesthetically compatible with the type of fence it represents.
- (d) Masonry Walls – shall be constructed of finished materials including, but not limited to concrete masonry units, precast concrete panels, bricks, concrete, stucco, or stone.
- (e) Privacy Screens – shall be an integral part of the design of and have an architectural texture, color, and material compatible with the residence on the property.

(4) Conformity, Permit Required:

No person shall erect, build, construct, or reconstruct any fence, wall, or privacy screen or any section or portion thereof unless the same shall conform to these requirements and specifications. No person shall erect or construct any fence, wall, or privacy screen, or dig, auger or otherwise prepare post holes without first obtaining a permit for zoning approval.

(5) Maximum Height and Permitted Locations of Fences, Walls and Privacy Screens:

- (a) Except as provided in (b), below, fences and walls shall be limited to a maximum height of six (6) feet above natural grade in the rear and side yards. No fences or walls shall be permitted in front yards.

- (b) A maximum fence height of 8 feet shall be permitted in the following situations:

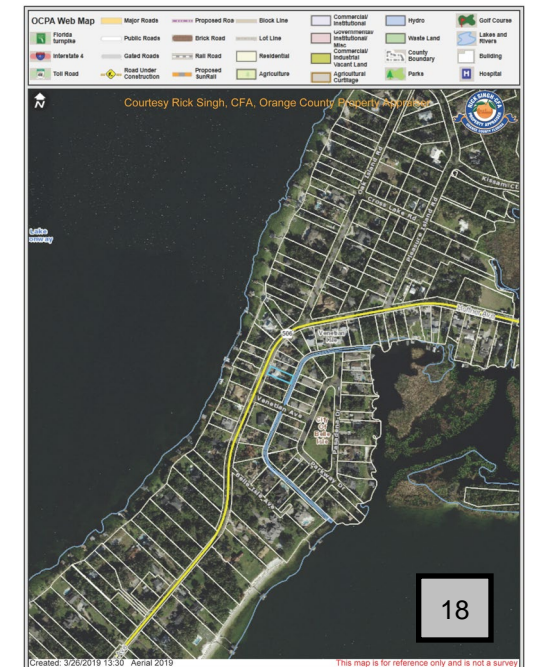
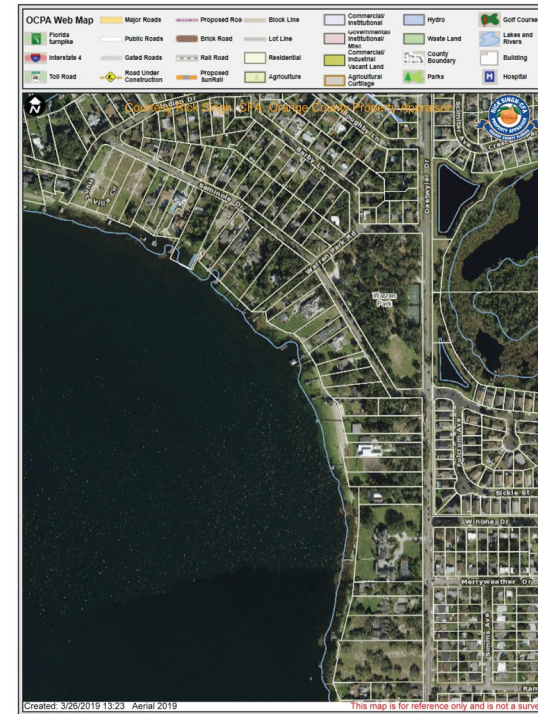
- i. The property line along which the fence will be installed abuts a boat ramp

Common
Characteristics:

Deep Lots

Busy Street Traffic

Many properties with
existing fences/walls and
gates





302329803601010 10/02/20



MINOLE DR, ORLANDO, FL 32812 9/27/2017 8:00



302329438902130 09/29/2006

FENCES AND WALLS ON SEMINOLE AND DAETWYLER

FENCES AND WALLS ON HOFFNER AND OAK ISLAND



2221 HOFFNER AVE, ORLANDO, FL 32809 2/21/2018 2:20 PM



2235 HOFFNER AVE, ORLANDO, FL 32809 12/1/2015 2:21 PM



302318716001080 08/21/2006

OPTIONS FOR CONSIDERATION

Keep	Keep the code as it is and process variance requests
Create	Create an overlay that allows fences and wall along specified streets with specific criteria established in the code such as maximum height, design standards, and materials
Remove	Remove the prohibition on fences and walls in the front yard