



CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING
Held in City Hall Chambers 1600 Nela Avenue
Held the 4th Tuesday of Every Month
Tuesday, October 26, 2021 * 6:30 PM
AGENDA

Planning and Zoning Board Members

District 1 member – David Woods, VChair | District 2 member – Christopher Shenefelt | District 3 member – Michael Statham
District 4 member – Vinton Squires | District 5 member – Rainey Lane | District 6 member – Andrew Thompson
District 7 member – Dr. Leonard Hobbs

Welcome to the City of Belle Isle Planning & Zoning meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofbelleislefl.org. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag – Board Member Woods, District 1**
3. **New Business**
 - a. Appointment of Chairman
4. **Approval of Minutes**
 - a. Approval of the P&Z Board Meeting minutes - August 24, 2021
 - b. P&Z Meeting - September 29, 2021 - No Meeting
5. **Public Hearings**
 - a. **PUBLIC HEARING CASE #2021-09-031** – Pursuant to Belle Isle Code Sec. 50-102 (B) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence (replace existing) in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120
6. **Other Business**
 - a. Discussion of Accessory Dwelling Unit Regulation: Staff recommends the Planning and Zoning Board pause developing code language regarding accessory dwelling units until the Board decides if it wants to seek City Council's direction to develop such regulations for consideration.
7. **Adjournment**

APPEALS: "If a person decides to appeal (Belle Isle's City Code Section 42-71) any decision made by the Board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). A notice of appeal to the City Clerk should be submitted within fifteen (15) days after such recommendation or decision is made "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting. –Page 1 of 1



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, August 24, 2021, * 6:30 pm

MINUTES

The Belle Isle Planning & Zoning Board met in a regular session on August 24, 2021, at 6:30 pm at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

District 4 – OPEN
Board member Woods
Board member Statham
Board member Shenefelt
Board member Hobbs

Absent was:

Board member Lane
Board member Thompson

Also present were City Manager Bob Francis, Attorney Dan Langley, and Clerk Heidi Peacock.

1. Call to Order and Confirmation of Quorum

Vice-Chairman Woods called the meeting to order at 6:30 pm. The clerk confirmed the quorum.

2. Invocation and Pledge to Flag – Board Member Hobbs

Board member Hobbs gave the invocation and led the Pledge to the Flag.

3. Approval of Minutes

- a. Approval of the July 27, 2021 minutes

Board member Statham moved to approve the minutes as presented.

Board member Woods seconded the motion, which passed unanimously 4:0

4. Public Hearings

- a. **PUBLIC HEARING CASE #2021-08-010 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (7) AND SEC. 50-102 (B) (8) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE TALLER THAN 6 FEET IN THE REAR AND SIDE YARDS; TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY; AND, ALLOW SAID FENCE TO PROJECT PAST THE SIDE AND REAR PROPERTY LINES INTO LAKE CONWAY, SUBMITTED BY APPLICANTS DEBRA ANN WEIL AND LAWRENCE MAUERMAN LOCATED AT 7315 LAKE DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-17-021.**

Vice-Chairman Woods read the variance by title.

Vice-Chairman Woods gave an overview of the process of the hearing and conditions for approval.

The homeowners, Debra and Lawrence Weil, were both present. Ms. Weil said they already have a 6-foot wooden fence on the south side of the property that also has a 4-foot chain-link fence into the water. They have small dogs, and the neighbor has a dog that is not kept on a leash. There was an incident where their dog came onto their property, attacked her husband, and tried to attack her dogs. It was the worst situation that has happened thus far. They are also two lots down from Swann Beach, and on a regular occurrence, the dogs visiting Swann Beach go on to her property. The request is made to protect her family and her dogs. They would like to raise the north side of the property fence to match the south side and allow an 8-foot chain-link to go to the water for their safety. The sea wall elevates the neighbor's yard, so it is easy for other dogs to go around or jump the 4-foot fence. They provided pictures for the file. Discussion ensued.

Mr. Weil said the problem is the unfenced area 20-feet from the existing fence to the boat dock; many of the park visitor's pets come onto the property, creating an unsafe situation.

Vice-Chairman Woods said Section 9 of the Code excludes chain link fences. He asked how the Board would rectify the request because an ornamental fence would not be the best material to use on the water.

Mr. Francis said the Board has the latitude to allow for a chain-link fence. He said the City had cited the neighbor multiple times regarding their pets. Orange County Animal Services have cited them. However, Mr. Francis said he is not sure if the City has the authority to approve the fence to be placed so far into the water; it may have to be approved by Orange County EPD. Mr. Francis said since the applicant has a 15-day waiting period, it will allow him enough time to receive a response from EPD.

Vice-Chairman Woods shared his concern with an 8-foot fence into the water and asked if the applicant is willing to compromise to a 10-foot transition from 8-foot to a 6-foot fence, not creating a visual hazard but providing a barrier to the animals. The applicant agreed.

Vice-Chairman Woods opened for public comment. There being none, he closed public comment for Board discussion.

After discussion, Board member Woods moved pursuant to Belle Isle Code SEC. 50-102 (B) (5), SEC. 50-102 (B) (7) AND SEC. 50-102 (B) (8) of the Belle Isle Land Development Code having been met TO APPROVE A FENCE TALLER THAN 6 FEET IN THE REAR AND SIDE YARDS; TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY; AND, ALLOW SAID FENCE TO PROJECT PAST THE SIDE AND REAR PROPERTY LINES INTO LAKE CONWAY, with a 10-foot transition from 8-foot to six-foot at the beginning of the chain-link fence continuing at 6-foot to its termination, and subject to any approval/dispute by Orange County, SUBMITTED BY APPLICANTS DEBRA ANN WEIL AND LAWRENCE MAUERMAN LOCATED AT 7315 LAKE DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-17-021

Board member Hobbs seconded the motion, which passed 4:0.

Vice-Chairman Woods stated that the applicant has a 15 day wait period before any construction to allow for any appeals.

5. Other Business

- a. **ORDINANCE NO. 21-09 - AN ORDINANCE OF THE CITY OF BELLE, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF BELLE ISLE TO ADOPT A PRIVATE PROPERTY RIGHTS ELEMENT TO COMPLY WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.**

Vice-Chairman Woods read by title for the record.

Attorney Langley said the Legislature passed a bill that requires every local government in the State of Florida to adopt the State's property rights element in its Comprehensive Plan. The Ordinance, in policy, adopts the language the Legislature requires. This amendment is not intended to create additional property rights and due process. If the Ordinance is not passed as necessary, the City will not be able to make any changes to their Comprehensive Plan moving forward. He further indicated the City has no choice in this matter according to the State.

Board member Woods moved to recommend Ordinance 21-09 for Council approval.

Board member Stratham seconded the motion, which passed 4:0.

- b. **ORDINANCE NO. 21-10 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING SECTION 50-103(a) OF THE CITY'S CODE OF ORDINANCES AS SUCH PERTAINS TO HOME BASED OCCUPATIONS; PROVIDING FOR HOME BASED BUSINESS REGULATIONS CONSISTENT WITH GENERAL LAW; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.**

Vice-Chairman Woods read by title for the record.

Attorney Langley explained the new law and said, based on the Legislature, it preempts local government regulation. This Ordinance mandates restrictions to the code that is allowed and defined by the Statute. Businesses will still be required to obtain a business tax receipt to operate. Discussion ensued on multiple business owners and additional parking of vehicles on a residential property. Chairman Woods pointed this out as a further step to remove self rule in our city.

After discussion, Board member Woods moved to recommend Ordinance 21-10 for Council approval.

Board member Stratham seconded the motion, which passed 3:1 with Comm Shenefelt, nay.

c. **Discussion of Accessory Dwelling Units**

Board member Woods said the discussion comes centers around two different concepts (1) accessory dwellings and (2) what is a kitchen? The problem with a kitchen is that it can create a dwelling that is not allowed by code. There is an element in the City's Comprehensive Plan that provides affordable housing and a current need for approximately 80-units in the next decade. Board member Woods shared his concern and gave a summary of what we may want to see moving forward (potential for mother-in-law quarters, kids coming back home, and assisted living caretaker). Vice-Chairman Woods spoke on and provided a copy of a Policy & Procedure used in Sonoma County and Winter Park addressing the Definition of a Kitchen and Determining a Dwelling Unit. Discussion ensued on enforceability, short-term rentals, and the current need in the community.

Staff is seeking direction from the Board as to whether they would like an ordinance prepared for formal consideration.

Vice-Chairman Woods said it appears the consensus is that the City does not want short-term rentals and is open to accessory dwellings to allow caretakers, elderly, and returning children. The Board recommended incorporating some of the code language used in Marimar and Winter Park, further research about additional parking, setbacks, and enforcement. Discussion ensued on possible impact fees for dwelling upgrades.

6. **Adjournment**

There being no further business, Vice Chairman Woods called for a motion to adjourn the meeting, unanimously approved at 8:00 pm.

MEMORANDUM

TO: Planning and Zoning Board

DATE: October 14, 2021

PUBLIC HEARING CASE #2021-09-031 – Pursuant to Belle Isle Code Sec. 50-102 (B) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence (replace existing) in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120.

Background:

1. On September 28, 2021, the applicant, Michael Rice, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, October 16, 2021, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on August 15, 2021.

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, pursuant to Belle Isle Code **Sec. 50-102 (B) (16) and Sec. 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** a **fence (replace existing) in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120.**

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code **Sec. 50-102 (B) (16) and Sec. 42-64**, the justifying criteria 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]*; *[may be used in addition to above or alone]* **TO DENY** a **fence (replace existing) in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120.**

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.

October 15, 2021

Fence Variance Application: 5115 La Croix Avenue

PUBLIC HEARING CASE #2021-09-031 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE (REPLACE EXISTING) IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT MICHAEL RICE, LOCATED AT 5115 LA CROIX AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 17-23-30-4379-02-120.

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

Review Comments

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow replacement of an existing fence in the front yard of the subject property. The code expressly prohibits fences or walls in the front yard of a property. A variance is required before the proposed fence 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

The application has not identified justifying criteria that meets Sec. 50-102 (b) (16), as provided above. Additionally, the variance request does not meet the requirements of Sec. 42-64 (1) (e), which states: *"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"*.

The application states that property owner has determined that it is not financially viable to utilize off-site storage for recreational vehicles and watercraft and that the configuration of the fence makes it possible for them to be stored on-site, which is a personal, financial hardship than cannot

be considered. Allowing this fence variance would create a special condition that is not enjoyed by other properties in the City. The nature of a non-conformity (the existing fence) is that once it is destroyed or removed, that it is not allowed to be built back in the same non-conforming location so that code compliance is achieved.

Based on these findings, staff recommends the requested variance not be approved.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met.

A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71. If the variance application is approved by the Board, there is a 15-day period within which an appeal may be filed. Applicable permits may only be approved and issued following this appeal period.

If a special exception or variance is approved by the Board and the duration of the validity of the special exception or variance is not limited, the special exception or variance shall become void if six months after the Board approved the variance, all permits necessary for the utilization of the variance have not been issued; or one year after issuance of the last issued permit necessary for the utilization of the variance, all construction associated with the variance has not been completed.

The City Manager may grant up to two six-month extensions to any time limits associated with a variance. A written request for an extension must be filed in the City Manager's office prior to expiration of the time period for any variance stating the reasons for the requested extension. The Code identifies in Sec. 42-67 (b) the specific good cause provisions that must be met and stated within the request.

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: 9/28/21P&Z CASE #: 2021-09-031☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING: _____

Applicant <u>Michael Rice</u>	Owner <u>Michael Rice</u>
ADDRESS <u>5115 La Croix Ave</u>	<u>same</u>
PHONE: <u>901-573-0574</u>	
PARCEL TAX ID #: <u>17-23-30-4379-02-120</u>	


LAND USE CLASSIFICATION: LDR ZONING DISTRICT: RIAADETAILED VARIANCE REQUEST: To replace existing fence along same front footprint which currently sits in front of adjacent houseSECTION OF CODE VARIANCE REQUESTED ON: 50-102

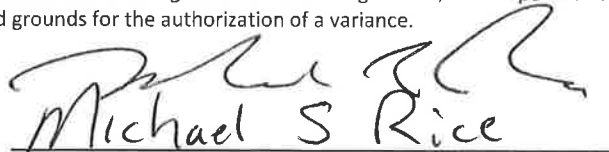
- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the 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.
- **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.
 - o Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
 - a. 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.
 - b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
 - c. 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.
 - d. 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.
 - e. 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.

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 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 this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted 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.


APPLICANT'S SIGNATURE


OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

09/28/21
Date Paid

chk # 119
Check/Cash

Hwp
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

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 is comprised of 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 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 \$300.00 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. 10 copies of a plot plan or survey showing all improvements to the property, 10 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:
 - 1) The literal enforcement of the provisions of the zoning ordinance 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.
 - 2) Personal hardship is not being considered as grounds for a variance, since the variance will continue to affect the Character of the neighborhood after the title to the property has passed, and that the special conditions and circumstances were not created in order to circumvent the zoning ordinance for the purpose of obtaining a variance.
 - 3) The variance is the minimum variance that will make possible reasonable use of the land, building or structure.
 - 4) The granting of the variance will be in harmony with the general purpose and intent of the zoning ordinances, will not be detrimental to the public welfare and will not be contrary to the public interest.

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 show compliance with the criteria.

A special exception addresses compatibility of uses, differing slightly from a variance. The approval of a special exception is dependent upon 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 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 make a finding that it is empowered under the section of the zoning ordinance described in the application to grant the special exception, and that granting of the special exception will not adversely affect the public interest.
3. It is determined that the 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 gives all aggrieved parties an opportunity to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where he or she feels the Planning and Zoning Board erred in their decision. An appeal hearing will then be held by Belle Isle's City Council.
4. Sec 42-67 - 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.

5115 La Croix Ave 17-23-30-4379-02-120**Name(s):**

Turner Mary Ware
Rice Michael
Dellefave Angela

Physical Street Address:

5115 La Croix Ave

Property Use:

0103 - Single Fam Class III

Mailing Address On File:

5115 La Croix Ave
Belle Isle, FL 32812-1023
[Incorrect Mailing Address?](#)

Postal City and Zip:

Orlando, FL 32812

Municipality:

Belle Isle



[Upload Photos](#)

[View 2021 Property Record Card](#)

i PROPERTY FEATURES

\$ VALUES, EXEMPTIONS AND TAXES

SALES

MARKET STATS

LOCATION

Historical Value and Tax Benefits ⓘ

[Has Homestead in 2021](#)

Tax Year Values	Land	Building(s)	Feature(s)	Market Value	%	Assessed Value	%
2021	\$135,000	\$245,935	\$18,750	\$399,685	31.2%	\$240,165	1.4%
2020	\$115,000	\$170,834	\$18,750	\$304,584	-2.1%	\$236,849	2.3%
2019	\$115,000	\$177,523	\$18,750	\$311,273	4.1%	\$231,524	1.9%
2018	\$105,000	\$175,146	\$18,750	\$298,896	N/A	\$227,207	N/A

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH CAP	Tax Savings
2021	\$25,000	\$25,000	\$0	\$159,520	\$3,312
2020	\$25,000	\$25,000	\$0	\$67,735	\$1,796
2019	\$25,000	\$25,000	\$0	\$79,749	\$2,024
2018	\$25,000	\$25,000	\$0	\$71,689	\$1,908

2021 Taxable Value and Estimate of Proposed Taxes ⓘ**Tax Year**

	2020	2019	2018
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Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	%	Taxes	Tax Breakdown
Public Schools: By State Law (Rle)	\$240,165	\$25,000	\$215,165	3.4890	-3.3%	\$750.71	23%
Public Schools: By Local Board	\$240,165	\$25,000	\$215,165	3.2480	0.0%	\$698.86	21%
General County	\$240,165	\$50,000	\$190,165	4.4347	0.0%	\$843.32	25%
City Of Belle Isle	\$240,165	\$50,000	\$190,165	4.4018	0.0%	\$837.07	25%
Library - Operating Budget	\$240,165	\$50,000	\$190,165	0.3748	0.0%	\$71.27	2%
St Johns Water Management District	\$240,165	\$50,000	\$190,165	0.2287	0.0%	\$43.49	1%
Lake Conway Mstu	\$240,165	\$50,000	\$190,165	0.4107	0.0%	\$78.10	2%
Totals				16.5877		\$3,322.82	

Non-Ad Valorem Assessments**2021 Non-Ad Valorem Assessments**

Levying Authority	Assessment Description	Units	Rates	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - BIGBR - (407)851-7730	1.00	260.40	\$260.40
CITY OF BELLE ISLE	BELLE ISLE STRM - BISTRM - (407)851-7730	1.00	125.00	\$125.00
				\$385.40

2021 Gross Tax Total: \$3,708.22

2021 Tax Savings Tax Savings

Your taxes without exemptions would be: \$6,634.92

Your ad-valorem tax with exemptions is: - \$3,322.82

Providing You A Savings Of: = \$3,312.10

Request for Variance to fence regulations 5115 La Croix Ave Belle Isle, FL 32812 – Application Supplement

Owners: Mary Ware Turner, Michael Rice, and Angela DelleFave

Special Conditions and/or Circumstances – Literal enforcement of the provisions would remove over 1,500 sq feet of usable fenced in yard for us. One of the main reasons we purchased this property was because it sits on a double lot, with the majority of the second lot already enclosed by fence. We need all this space for secure storage of our boats, camper, trailer, etc and also for usable enjoyable space for our family and dogs. Our house sits on lot 212, most of lot 211 is currently fenced in, we are only asking to replace the old fence with a new fence along the same front boundary line as it sits now. Our property actually extends an additional 8 or so feet beyond the fence line now, so there is and will still be a front yard on this lot.

Not Self Created – We purchased this house in June 2021, the current fence was replaced by the previous homeowners in its current location around 2004 or 2005. Before that we believe the same footprint has been followed for some time. We want to be able to rebuild the fence along the same line it has been built on for several decades.

Minimum possible variance – We have looked at other options for storing our boats and other items off site, and it is not financially viable to do so. We have considered the possibility of moving the fence line back to be in line with the front of the house, but with the layout of the yard and the sheds already in place (built sometime in the 80s or 90s), it is not feasible to keep everything we need to keep on our property with the reduced space. We could also leave the fence as it is, but feel that this option detracts from the neighborhood and will not be secure for much longer, it is in need of significant repairs.

Purpose and intent – We propose to significantly improve the look of the neighborhood by being able to replace the fence along its current footprint. Our lot runs along Hoffner, so a new cedar fence will fit much better with the aesthetics of Belle Isle than the run down fence we currently have. In replacing the fence we also plan to remove the overgrown bushes and plants from the current front yard of lot 211 and relandscape the front yard of the house on 212 and the front of lot 211 as well. We have spoken to both neighbors directly across the street from our house and our second lot and both (Linda Dore at 5122 La Croix and George Barfield at 5112 La Croix) agree that the fence being replaced where it is now would not be detrimental or detract from the neighborhood or Belle Isle as a community.



X



ADDRESS
5115 La Croix Avenue
Belle Isle, FL 32812-1023

LEGEND

- OR Book = Official Record Book
PB = Plot Book
Pg = Page
CONC = Concrete
FND = Foundation
ID = Identification
LB = Licensed Business
LS = Licensed Surveyor
O = Iron Rod & Cap (R)
@ = Nail & Disk (N&D)
ON/OFF = On Site/Off Site
- (C) = Calculated Distance
(D) = Dead Dimension
(F) = Field Measurement
(R) = Radial
(P) = Plot Measurement
(S) = Fire Hydrant
(W) = Water Valve
(X) = Telephone Riser
(Z) = Overhead Utilities
* = Light Pole

JOB #: VLSR21-52438	
CLIENT #:	CREW: 2100
FIELD DATE: 06-09-21	
DRAFTER: AB	
APPROVED: JEW	
SCALE: 1" = 40'	

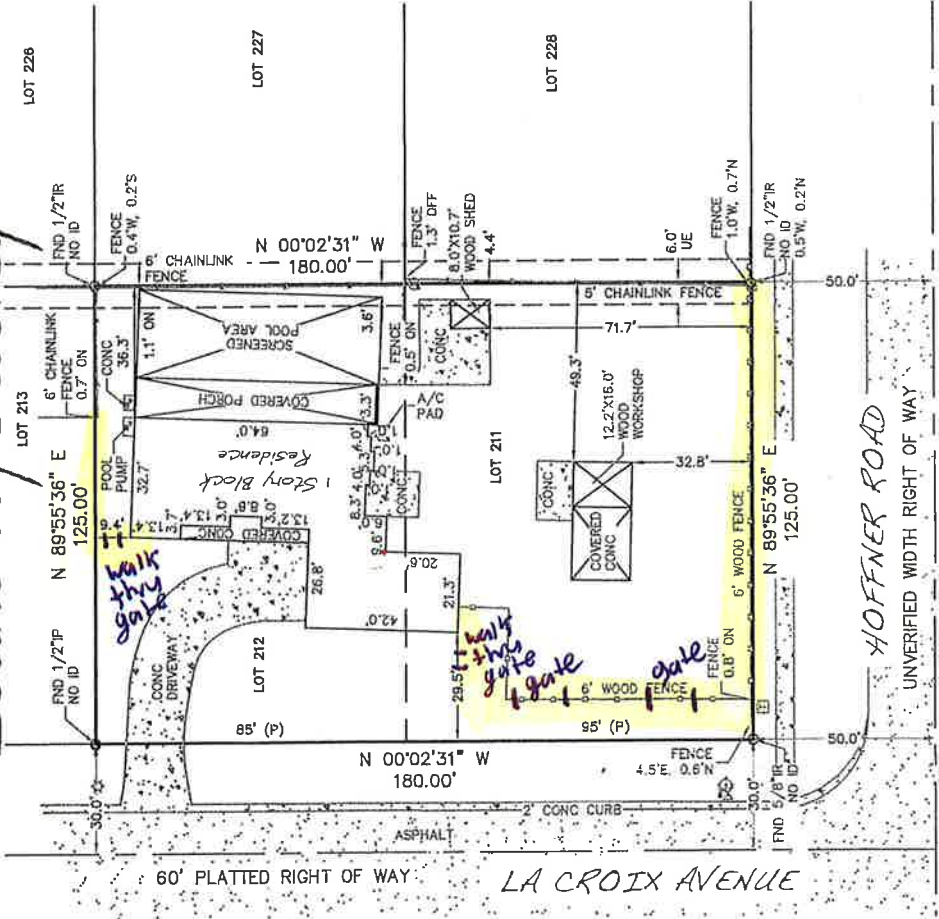
X *[Signature]*
Surveyor's Acknowledgment
and Testimony

Celebration
TITLE GROUP

EAVES AND/OR OVERHANGS NOT
LOCATED NOR SHOWN HEREON.

Boundary Survey

EASEMENT NOTE:
THERE IS A 6' UTILITY EASEMENT (UE)
ON THE WEST LOT LINE



5115 La Croix Ave 17-23-30-4379-02-120**Name(s):**Turner Mary Ware
Rice Michael
Dellefave Angela**Physical Street Address:**

5115 La Croix Ave

Property Use:

0103 - Single Fam Class III

Mailing Address On File:5115 La Croix Ave
Belle Isle, FL 32812-1023[Incorrect Mailing Address?](#)**Postal City and Zip:**

Orlando, FL 32812

Municipality:

Belle Isle

[Upload Photos](#)[View 2021 Property Record Card](#)[PROPERTY FEATURES](#)[VALUES, EXEMPTIONS AND TAXES](#)[SALES](#)[MARKET STATS](#)[LOCATION](#)**Historical Value and Tax Benefits**

Has Homestead in 2021

Tax Year Values	Land	Building(s)	Feature(s)	Market Value	%	Assessed Value	%
2021 <input type="checkbox"/> W <input checked="" type="checkbox"/> MKT	\$135,000	\$245,935	\$18,750	\$399,685	31.2%	\$240,165	1.4%
2020 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> MKT	\$115,000	\$170,834	\$18,750	\$304,584	-2.1%	\$236,849	2.3%
2019 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> MKT	\$115,000	\$177,523	\$18,750	\$311,273	4.1%	\$231,524	1.9%
2018 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> MKT	\$105,000	\$175,146	\$18,750	\$298,896	N/A	\$227,207	N/A

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH CAP	Tax Savings
2021 <input type="checkbox"/> W <input checked="" type="checkbox"/> \$ <input checked="" type="checkbox"/> HX <input checked="" type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$159,520	\$3,312
2020 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> \$ <input checked="" type="checkbox"/> HX <input checked="" type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$67,735	\$1,796
2019 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> \$ <input checked="" type="checkbox"/> HX <input checked="" type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$79,749	\$2,024
2018 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> \$ <input checked="" type="checkbox"/> HX <input checked="" type="checkbox"/> CAP	\$25,000	\$25,000	\$0	\$71,689	\$1,908

2021 Taxable Value and Estimate of Proposed Taxes**Tax Year**

2021	2020	2019	2018
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Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	%	Taxes	Tax Breakdown
Public Schools: By State Law (Rle)	\$240,165	\$25,000	\$215,165	3.4890	-3.3%	\$750.71	23%
Public Schools: By Local Board	\$240,165	\$25,000	\$215,165	3.2480	0.0%	\$698.86	21%
General County	\$240,165	\$50,000	\$190,165	4.4347	0.0%	\$843.32	25%
City Of Belle Isle	\$240,165	\$50,000	\$190,165	4.4018	0.0%	\$837.07	25%
Library - Operating Budget	\$240,165	\$50,000	\$190,165	0.3748	0.0%	\$71.27	2%
St Johns Water Management District	\$240,165	\$50,000	\$190,165	0.2287	0.0%	\$43.49	1%
Lake Conway Mstu	\$240,165	\$50,000	\$190,165	0.4107	0.0%	\$78.10	2%
Totals				16.5877		\$3,322.82	

Non-Ad Valorem Assessments**2021 Non-Ad Valorem Assessments**

Levying Authority	Assessment Description	Units	Rates	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - BIGBR - (407)851-7730	1.00	260.40	\$260.40
CITY OF BELLE ISLE	BELLE ISLE STRM - BISTRM - (407)851-7730	1.00	125.00	\$125.00
				\$385.40

2021 Gross Tax Total: \$3,708.22

2021 Tax Savings Tax Savings

Your taxes without exemptions would be: \$6,634.92

Your ad-valorem tax with exemptions is: - \$3,322.82

Providing You A Savings Of: = \$3,312.10

417

W/IN 5 DAYS

DID PARENTS 11/01

317860

As advertised on RealRadio 104.1



CORPORATE OFFICE

271 Southridge Industrial Drive • Tavares, FL 32778 • Ph: 407.900.2940
www.mossyofence.com

BREVARD OFFICE

455 Stan Drive • Melbourne, FL 32904 • Ph: 321.255.1020 • Toll Ph: 888.446.6779

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Florida Home Mag
WDBO
WTKS
103 The Wolf



98.9 WMMO

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FENCE PROPOSAL/CONTRACT

DATE: 8-27-2021 901-573-0574
NAME: MIKE RICE
ADDRESS: 5115 LA CROIX AVE
CITY: BELLE ISLE 32812
E-MAIL: MRICE257@yahoo.com

PREPARED BY: RANDY TAYLOR 443-850-2395
CONTACT PHONE:
ALTERNATE PHONE:
CONTACT PERSON:
JOB NAME/ADDRESS:

JOB SPECIFICATIONS

- ☐ PVC (VINYL) ☐ ALUMINUM ☐ CHAIN LINK ☐ FARM FENCE
☐ COMPOSITE/SPECIALTY ☒ WOOD ☐ GATE AUTOMATION

OPTION #1

OPTION #2

FOOTAGE	143	114	257
HEIGHT	6'	8'	6'
STYLE/MODEL	BOB	BOB	BOB
GRADE	2 CEDAR	=	2 CEDAR
COLOR	=	=	=
ALL POSTS	4" x 4"	=	4" x 4" PT
TERMINAL POSTS			
LINE POSTS	100% ONLY		
GATE POSTS	6" x 6"		12" x 6" AL BRASS
POST CAPS			
RAILS/RUNNERS			
PICKETS	CEDAR	CEDAR	CEDAR
PICKET CAPS			

OPTIONS: PRE-STAINING Y or N COLOR *FILL IN ONLY ONE THAT APPLY*

GATES

QTY	SIZE	TYPE	ARCHED	RACKED	SWING
2	12	DOUGLASS BASS!	N	N	OUT
1	5	wh	"	"	"
1	5	ROD wh			AT

OPTIONS: Y or N Gates frame \$2040 ADD

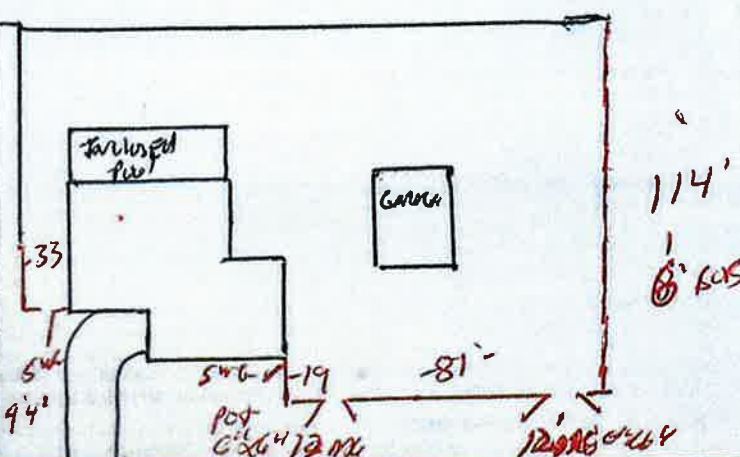
IMPORTANT PROJECT INFORMATION

- ☒ FENCE TO FOLLOW CONTOUR OF GROUND ☐ STRAIGHT WITH GRADE DROP (MAY HAVE SOME GAPS)
☐ TOP LEVEL - HIGHEST GRADE (CUSTOMER TO FILL GAPS) ☐ TOP LEVEL - LOWEST GRADE (TRENCHING REQUIRED)
REMOVAL & DISPOSAL OF EXISTING FENCE 214 FT ☐ NO
CLEARING OF FENCE LINE REQUIRED ☒ YES ☐ NO
CLEARING TO BE PERFORMED BY INITIALS ☒ OWNER ☐ MOSSY FENCE
OPEN POOL / POOL CODE REQUIRED ☐ YES ☒ NO
HOA APPROVAL REQUIRED ☐ YES ☒ NO
PERMIT REQUIRED (CUST TO GET) ☐ YES ☐ NO
JURISDICTION

JOB DIMENSIONS

ALL DIMENSIONS AND SPECIFICATIONS ARE APPROXIMATE

WEEKS FROM 12 MONTH 0%
5774422376682919



SPECIAL INSTRUCTIONS

ALL POST SET IN (WET) CONCRETE
5-12 FINE PINE 6x6x12x12 10%

QUOTE AMOUNT (50% DEPOSIT REQUIRED)

SUBTOTAL

DISCOUNT

TOTAL

UNDERSTAND

Mossy Oak

unmarked

WOOD POST

associated

and milder

of the wood

RIGHT TO

by midday

Purchaser

agrees that

CONTRACT

AMOUNT

ACCEPTED

SUBJECT TO CONDITIONS ON THE BACK, I HAVE READ AND UNDERSTAND THE CONDITIONS ON THE BACK



BOARD-ON-BOARD PRIVACY FENCE

Privacy fences provide security and privacy. In today's age of "zero lot lines" the desire for ultra privacy is even more important.

When a standard privacy fence is installed, the wood goes on the fence wet (or green) and in a very short period of time the wood dries out and causes the fence pickets to shrink about an $\frac{1}{8}$ of an inch. This minimal shrinkage allows daylight through the boards and just enough space that you (or your dogs!) could see someone through the gap or vice-versa.

To avoid this problem, Mossy Oak Fence will often suggest building a board-on-board privacy fence. The style is built with each 6 inch board being overlapped by another 6 inch board with a $\frac{3}{4}$ inch overlap being achieved on both sides. Thus as the boards shrink it does not allow for any daylight gaps.

As always, Mossy Oak Fence stick builds (no pre-built panels) all of our board-on-board fences, offering a wide range of custom styles to choose from.

