



CITY OF BELLE ISLE, FL

PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Ave Belle Isle FL

Held the 4th Tuesday of Every Month

Tuesday, July 26, 2022 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 5 member – Rainey Lane, Chairman

District 1 – David Woods, VChair

District 2 member – Christopher Shenefelt | District 3 member – Michael Statham

District 4 member – Vinton Squires | 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 www.belleislefl.gov. 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 Hobbs, District 7
3. **Approval of Minutes**
 - a. Approval of the June 26, 2022 meeting minutes
4. **Public Hearings**
 - a. PUBLIC HEARING 2022-06-029: PURSUANT TO BELLE ISLE CODE SEC. 42-64 and SEC. 48-32 (A) (1), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO HAVE A PRIVATE BOAT DOCK PERMITTED WITHIN THE FIVE FEET SIDE SETBACK OF THE NEIGHBORING DOCK, SUBMITTED BY APPLICANT BRENDAN SWEENEY, LOCATED AT 5842 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-090.
 - b. PUBLIC HEARING 2022-06-030: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 5 FEET IN HEIGHT WITH COLUMNS OF 6.8 FEET IN HEIGHT, SUBMITTED BY APPLICANT KENNETH GRANGER, LOCATED AT 7208 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-04-040.
 - c. PUBLIC HEARING 2022-07-031: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 24 INCHES IN HEIGHT, SUBMITTED BY APPLICANT URBAN PERCH, LOCATED AT 2520 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-122.
5. **Other Business**
6. **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
 Held in City Hall Chambers 1600 Nela Ave Belle Isle FL

Tuesday, June 28, 2022, * 6:30 pm
MINUTES

The Belle Isle Planning & Zoning Board met on June 28, 2022, at 6:30 pm at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Lane
 Board member Woods
 Board member Thompson
 Board member Statham
 Board member Squires
 Board member Hobbs

Absent was:

Board member Shenefelt

Also present were Attorney Dan Langley, City Planner Raquel Lozano, and City Clerk Yolanda Quiceno.

1. Call to Order and Confirmation of Quorum

Chairman Lane opened the meeting at 6:30 pm. The City Clerk confirmed quorum.

2. Invocation and Pledge to Flag

Board Member Hobbs gave the invocation and led the pledge to the flag.

3. Approval of Minutes

a. Approval of the April 26, 2022 minutes

Board member Thompson moved to approve the minutes as presented.

Board member Rainey seconded the motion, which passed unanimously.

4. Public Hearings

- a. PUBLIC HEARING CASE #2022-05-011 - PURSUANT TO BELLE ISLE CODE SEC. 42-64, AND SEC. 50-102 (B) (5) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW THE CURRENT FENCE INSTALLATION IN THE FRONT YARD, SUBMITTED BY APPLICANT STEVE HESSON, LOCATED AT 2323 CROSS LAKE ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #18-23-30-7164-00-420.

Board member Woods read the Public Hearing Case number by title.

Steve Hesson, the homeowner of 2323 Cross Lake Road, said the fence has been in that location for 35 years. The fence has been changed approximately 3-5 times due to hurricane damage. The fence does not cover the entire property but ends at the location of the septic tank and drain field. They would like to keep the picket fence because its primary function is to avoid anyone driving over and damaging their septic field. They previously thought of plating a hedge; however, they were worried about the roots, over time, damaging the drain field.

City Planner Lozano gave a brief background on the application. The applicant is trying to expand upon the rear setback. Given that the septic tank and drain field are located in the front yard, the conditions of this lot would qualify as a special circumstance for having a fence in the front yard. The special circumstance of this lot has not resulted from the applicant's actions. This house was developed in the 1950s with a septic tank and drain field installed in the front yard. While the applicant has suggested a hedge wall as an alternative solution to protecting the front yard, the roots may cause damage to the septic tank over time. The purpose and intent of maintaining this front yard fence are to prevent damage to the septic tank and their butterfly garden. Seeing how this fence was installed in 1986, and there have been

no documented complaints to the City about this fence, the requested variance would not negatively impact the surrounding neighbors or the neighborhood's character. Staff provides a recommendation to approve the requested variance.

Chairman Lane opened for public comment. There being none, she closed public comment.

Board member Woods asked if the applicant received any objections from the neighbors. Mr. Hesson said no; he has only received positive comments.

After discussion, Board member Woods moved to approve the current fence installation in the front yard, submitted by applicant Steve Hesson, located at 2323 Cross Lake Road, Belle Isle, FL 32809, also known as Parcel #18-23-30-7164-00-420. Board member Statham seconded the motion, which passed unanimously 4:0.

Board member Woods said the applicant should wait for 15-days before removing the variance sign to allow for any appeals.

Since this was a Code Violation, Staff asked if the applicant is to submit an application with the fee and pay the penalty for working without a permit to receive an approved Fence application. Attorney Langley said the Code Enforcement process is separate from the P&Z Board motion. The motion allows the applicant to submit the permit for approval.

5. Other Business – N/A

6. Adjournment

There being no further business, the meeting was unanimously adjourned at 7:45 pm.

MEMORANDUM

TO: Planning and Zoning Board

DATE: July 26, 2022

PUBLIC HEARING 2022-06-029: PURSUANT TO BELLE ISLE CODE SEC. 42-64 and SEC. 48-32 (A) (1), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO HAVE A PRIVATE BOAT DOCK PERMITTED WITHIN THE FIVE FEET SIDE SETBACK OF THE NEIGHBORING DOCK, SUBMITTED BY APPLICANT BRENDAN SWEENEY, LOCATED AT 5842 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-090.

Background:

1. On June 2, 2022, the applicant, Brendan Sweeney, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, July 16, 2022, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on July 14, 2022.

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 outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle SEC. 42-64 of the Belle Isle Land Development Code, SEC. 48-32 (A) (1), having been met **TO APPROVE** A PRIVATE BOAT DOCK PERMITTED WITHIN THE FIVE FEET SIDE SETBACK OF THE NEIGHBORING DOCK, SUBMITTED BY APPLICANT BRENDAN SWEENEY, LOCATED AT 5842 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-090.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code SEC. 42-64, the justifying criteria of the Belle Isle Land Development Code, and SEC. SEC. 48-32 (A) (1), 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** A PRIVATE BOAT DOCK PERMITTED WITHIN THE FIVE FEET SIDE SETBACK OF THE NEIGHBORING DOCK, SUBMITTED BY APPLICANT BRENDAN SWEENEY, LOCATED AT 5842 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-090.

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

City of Belle Isle

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

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 6/2/2022

P&Z CASE #:

2022-06-029

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING:

July 28 2022

Applicant	Brendan Sweeney, Esq.	Owner	Jennifer Giles
ADDRESS	5842 Cove Drive, Belle Isle, FL 32812		5842 Cove Drive, Belle Isle, FL 32812
PHONE:	(954) 440-3993		407-509-8309
PARCEL TAX ID #:	20 23 30 1660 00 090		20 23 30 1660 00 090

LAND USE CLASSIFICATION:

0130-SFR-LF

ZONING DISTRICT:

DETAILED VARIANCE REQUEST: The dock on 5842 Cove Drive was grandfathered in along with the neighboring docks with no 5' side setback. The dock on 5842 was demolished; a new legally conforming dock with five feet side setback would be hazardous and subject swimmers to injuries. This is especially true since the neighboring dock is lying on the property line with no setback. This is a request for a variance to permit the building of the new dock in the same location as the old dock. The approval of this variance does not present a hazardous condition; the dock would be conformity with the other docks, as originally placed; it does not confer a benefit on the landowner over adjoining landowners; and the dock would still be in compliance with the other sections of the Municode. Attached is the plan for the dock and a photo of the grandfathered abutting docks.

SECTION OF CODE VARIANCE REQUESTED ON: Sec. 48-32

- 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.

DocuSigned by:

Brundan Sweeney

82DB3145541F48B...

APPLICANT'S SIGNATURE

DocuSigned by:

Jennifer Giles

47446B53388947C...

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

10/2/22
Date Paid

Cash
Check/Cash

Huy
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

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.

The dock at 5842 Cove Drive was grandfathered in along with the neighboring docks with no 5' setback. The dock at 5842 was demolished; a new legally conforming dock with 5' setback would be hazardous and subject swimmers and boaters to injuries. This is especially true since the neighboring dock is lying on the property line with no setback.

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.

This is a request for a variance to permit the building of a new dock in the same location as the old dock. The approval of this variance does not present a hazardous condition. The dock would be in conformity with the other docks as originally placed. It does not confer a benefit to the landowner over adjoining landowners.

3) The variance is the minimum variance that will make possible reasonable use of the land, building or structure.

The new dock will still be in compliance with other sections of the Municode.

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.

The new dock will be in the same location as the old dock that was grandfathered in and would not be contrary to the public interest.

5842 Cove Dr 20-23-30-1660-00-090

Name(s):

Giles Jeffrey

Giles Jennifer L

Physical Street Address:

5842 Cove Dr

Property Use:

0130 - Sfr - Lake Front

Mailing Address On File:

5842 Cove Dr

Belle Isle, FL 32812-2819

Incorrect Mailing Address?

Postal City and Zip:

Orlando, FL 32812

Municipality:

Belle Isle



5842 COVE DR, BELLE ISLE, FL 32812 1/6/2022 11:38 AM

LEGAL DESCRIPTION: LOT 9, CONWAY GARDENS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK R, PAGE 18, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



5842 COVE DRIVE
ORLANDO, FL

LONG
SURVEYING,
INC.



Long Surveying, Inc.
Specializing in Residential Surveying

LB No. 7371
1061 S. Sun Dr. Ste. #1113
Lake Mary, FL 32746
Office 407-330-9717
Fax 407-330-9775
www.longsurveying.com

DRAWN BY:
KZR AK

CHECKED BY:
BRETT

DATE:
04-30

BY:
BRETT

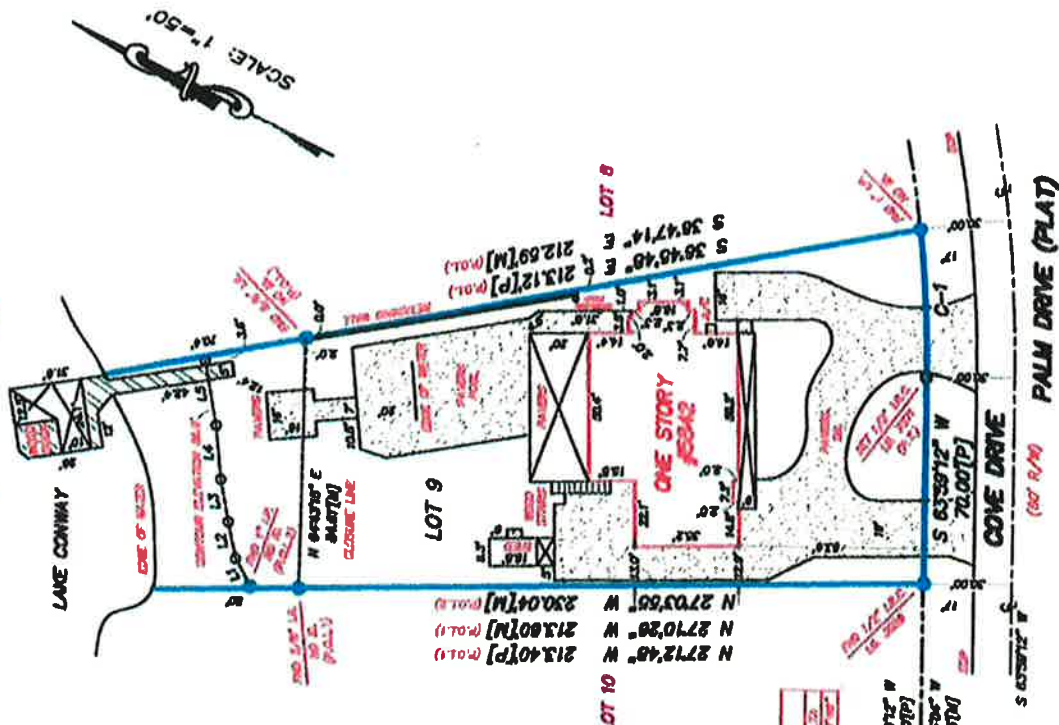
COMMUNITY NO:
120181

DATE:
09/25/09

FIELD NO:
107198A

FIELD DATE:
05/11/20

Boundary Survey



LINE	LENGTH	BEARING
1-2	10.25'	N 89°07'00" E
2-3	10.25'	N 89°07'00" E
3-4	10.25'	N 89°07'00" E
4-5	10.25'	N 89°07'00" E
5-6	10.25'	N 89°07'00" E
6-7	10.25'	N 89°07'00" E
7-8	10.25'	N 89°07'00" E
8-9	10.25'	N 89°07'00" E
9-10	10.25'	N 89°07'00" E
10-11	10.25'	N 89°07'00" E
11-12	10.25'	N 89°07'00" E
12-13	10.25'	N 89°07'00" E
13-14	10.25'	N 89°07'00" E
14-15	10.25'	N 89°07'00" E
15-16	10.25'	N 89°07'00" E
16-17	10.25'	N 89°07'00" E
17-18	10.25'	N 89°07'00" E
18-19	10.25'	N 89°07'00" E
19-20	10.25'	N 89°07'00" E
20-21	10.25'	N 89°07'00" E
21-22	10.25'	N 89°07'00" E
22-23	10.25'	N 89°07'00" E
23-24	10.25'	N 89°07'00" E
24-25	10.25'	N 89°07'00" E
25-26	10.25'	N 89°07'00" E
26-27	10.25'	N 89°07'00" E
27-28	10.25'	N 89°07'00" E
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29-30	10.25'	N 89°07'00" E
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32-33	10.25'	N 89°07'00" E
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36-37	10.25'	N 89°07'00" E
37-38	10.25'	N 89°07'00" E
38-39	10.25'	N 89°07'00" E
39-40	10.25'	N 89°07'00" E
40-41	10.25'	N 89°07'00" E
41-42	10.25'	N 89°07'00" E
42-43	10.25'	N 89°07'00" E
43-44	10.25'	N 89°07'00" E
44-45	10.25'	N 89°07'00" E
45-46	10.25'	N 89°07'00" E
46-47	10.25'	N 89°07'00" E
47-48	10.25'	N 89°07'00" E
48-49	10.25'	N 89°07'00" E
49-50	10.25'	N 89°07'00" E
50-51	10.25'	N 89°07'00" E
51-52	10.25'	N 89°07'00" E
52-53	10.25'	N 89°07'00" E
53-54	10.25'	N 89°07'00" E
54-55	10.25'	N 89°07'00" E
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56-57	10.25'	N 89°07'00" E
57-58	10.25'	N 89°07'00" E
58-59	10.25'	N 89°07'00" E
59-60	10.25'	N 89°07'00" E
60-61	10.25'	N 89°07'00" E
61-62	10.25'	N 89°07'00" E
62-63	10.25'	N 89°07'00" E
63-64	10.25'	N 89°07'00" E
64-65	10.25'	N 89°07'00" E
65-66	10.25'	N 89°07'00" E
66-67	10.25'	N 89°07'00" E
67-68	10.25'	N 89°07'00" E
68-69	10.25'	N 89°07'00" E
69-70	10.25'	N 89°07'00" E
70-71	10.25'	N 89°07'00" E
71-72	10.25'	N 89°07'00" E
72-73	10.25'	N 89°07'00" E
73-74	10.25'	N 89°07'00" E
74-75	10.25'	N 89°07'00" E
75-76	10.25'	N 89°07'00" E
76-77	10.25'	N 89°07'00" E
77-78	10.25'	N 89°07'00" E
78-79	10.25'	N 89°07'00" E
79-80	10.25'	N 89°07'00" E
80-81	10.25'	N 89°07'00" E
81-82	10.25'	N 89°07'00" E
82-83	10.25'	N 89°07'00" E
83-84	10.25'	N 89°07'00" E
84-85	10.25'	N 89°07'00" E
85-86	10.25'	N 89°07'00" E
86-87	10.25'	N 89°07'00" E
87-88	10.25'	N 89°07'00" E
88-89	10.25'	N 89°07'00" E
89-90	10.25'	N 89°07'00" E
90-91	10.25'	N 89°07'00" E
91-92	10.25'	N 89°07'00" E
92-93	10.25'	N 89°07'00" E
93-94	10.25'	N 89°07'00" E
94-95	10.25'	N 89°07'00" E
95-96	10.25'	N 89°07'00" E
96-97	10.25'	N 89°07'00" E
97-98	10.25'	N 89°07'00" E
98-99	10.25'	N 89°07'00" E
99-100	10.25'	N 89°07'00" E

CURVE	BEARING	LENGTH	CHORD
C-1	N 89°07'00" E	10.25'	10.25'
C-2	N 89°07'00" E	10.25'	10.25'
C-3	N 89°07'00" E	10.25'	10.25'

BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF COVE DRIVE BEING S 63°58'12" W PER PLAT

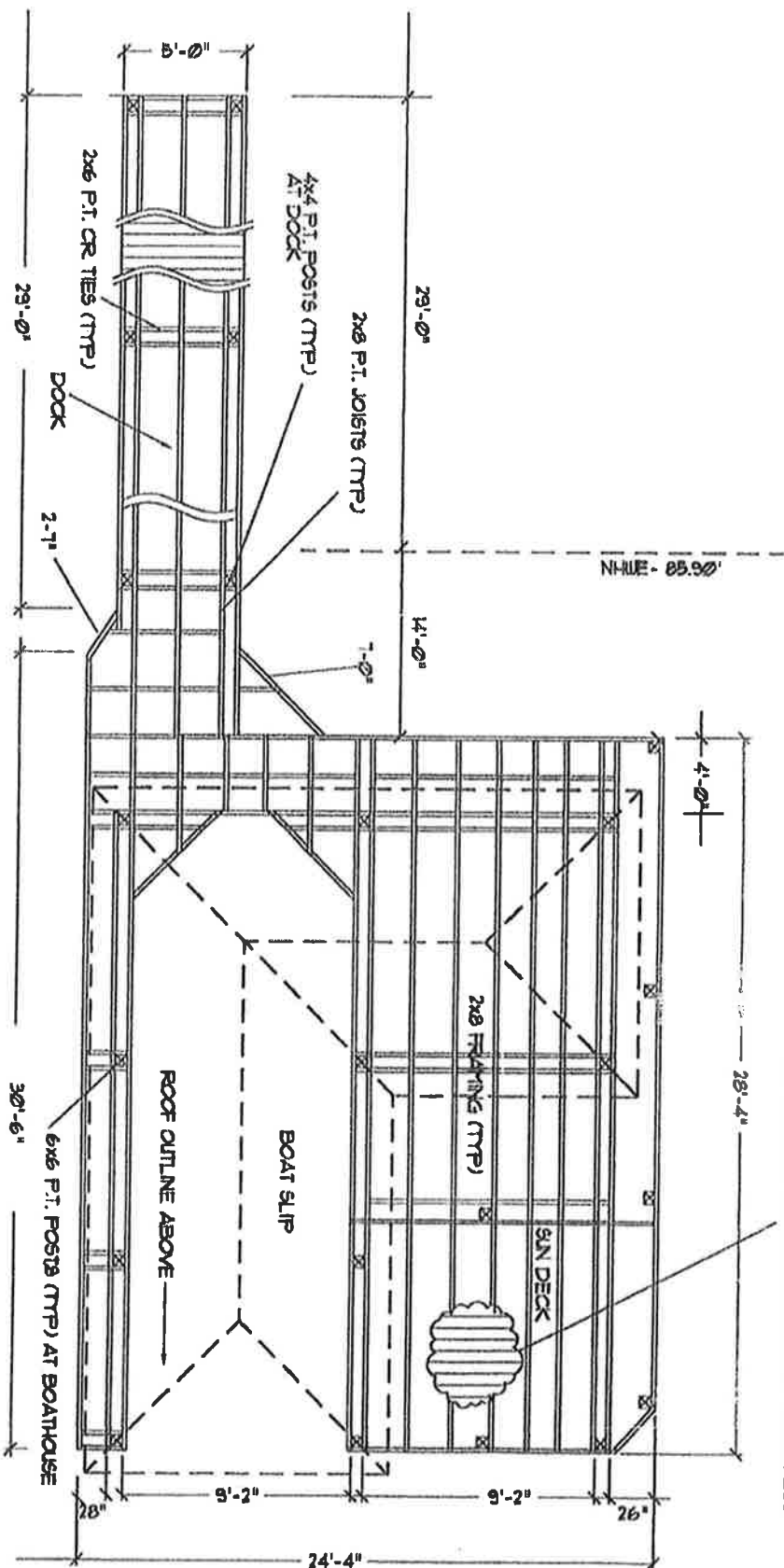
NOTES:
1) This survey is based on the legal description as provided by the Client.
2) This Surveyor has not delineated the land shown herein for easements, rights of way or reestablishment of record which may affect the title or use of the land.
3) The lot and reestablishment property lines from building line to building or easements have been located except as shown on this plat.
4) The measurements or distances have been located except as shown on this plat.
5) This survey is not a subdivision and the subdivision electronic seal or the original record and of a Florida Licensed Surveyor and Mapper.

Objection to any part of this survey may be made within 60 days of the date of recording of this plat by the County Clerk of Public Records and the Surveyor's Office in Orange County, Florida.

LEON L. HAMPTON P.S.M. NO. 55910

107198A 05/11/20

2x6 DECKING - TREX OR SIM. W/ 2 1/2" S.S. SCREWS



FRAMING NOTES:

FRAMING MATERIAL:
2 S.T.P. MINIMUM

FOUNDATION NOTE:
ROOF POLES SHALL BE EMBEDDED
12" IN SOIL (MIN) OR TO HARDPAN

HIP ROOF 4/12 PITCH
2x6 P.T. RIDGE BEAM
2x6 P.T. RAFTERS @ 24" C/C
2x6 P.T. COLLAR BEAMS @ 48" C/C
2x6 P.T. HIPs
1/2" T-I

5# ROOFING FELT
2x6 P.T. FALDA
ROOFING: SHINGLE (TO MATCH EXISTING)
(2) 2x10 P.T. HEADERS NAILED &
BOLTED TO 6x6 POSTS

WOOD TREATMENT:

FRAMING / DECKING LUMBER - ACQ
FASTENERS TO BE 316 S.S. SCREWS
6x6 P.T. POLES - CCA @ 260
1/2" GALV. CARTRIDGE BOLTS @ EA
HEADER/COLUMN
1" W/ (3) BOLTS @ CORNER POSTS
(1) BOLTS @ INTERMEDIATE POSTS
STEEL STRONG TIE (425 @ EA
RAFTER/BEAM CONNECTION)

PLAN VIEW

SCALE: N.T.S.

Pavol Stankey

c=US, o=Unaffiliated

ou=A01410C00000170C1228ED

E00008FDB, cn=Pavol Stankey
2020.06.03 08:01:58 -04'00'



Stankey Engineering Group, Inc.
Orlando, FL 32807 (407) 701-2145
PAVOL STANKAY, P.E. # 28059

PROPOSED DECK & DOCK

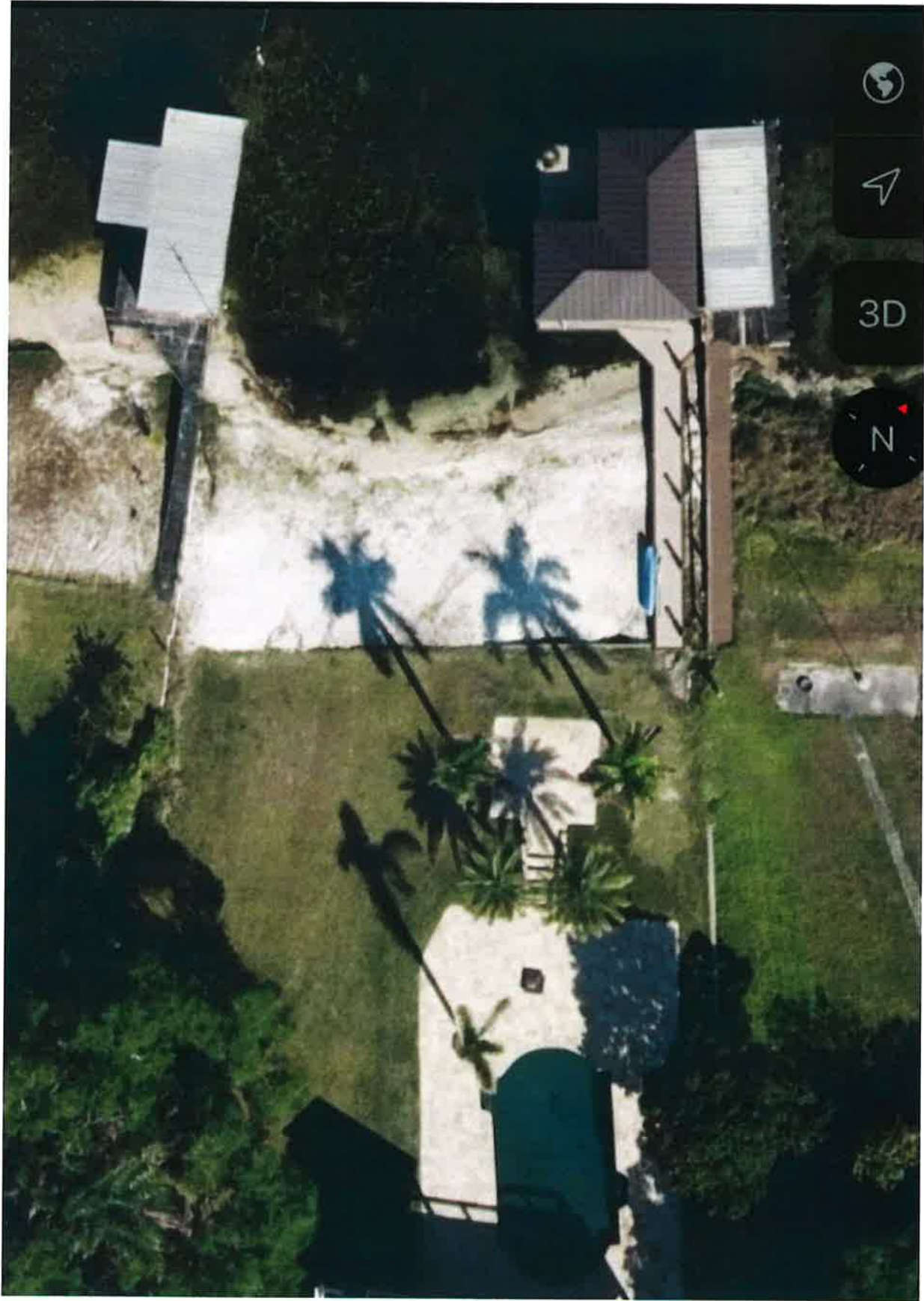
J. GILES RESIDENCE

5842 COVE DRIVE

ORLANDO, FL 32802

S.1





MEMORANDUM

TO: Planning and Zoning Board

DATE: July 26, 2022

PUBLIC HEARING 2022-06-030: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 5 FEET IN HEIGHT WITH COLUMNS OF 6.8 FEET IN HEIGHT, SUBMITTED BY APPLICANT KENNETH GRANGER, LOCATED AT 7208 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-04-040.

Background:

1. On June 2, 2022, the applicant, Kenneth Granger, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, July 16, 2022, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on July 14, 2022.

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 outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Sec. 42-64 of the Belle Isle Land Development Code, SEC. 50-102 (B) (5) (A), having been met TO APPROVE A FRONT YARD FENCE INSTALLATION OF 5 FEET IN HEIGHT WITH COLUMNS OF 6.8 FEET IN HEIGHT, SUBMITTED BY APPLICANT KENNETH GRANGER, LOCATED AT 7208 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-04-040.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code SEC. 42-64, the justifying criteria of the Belle Isle Land Development Code, and SEC. 50-102 (B) (5) (A), 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 A FRONT YARD FENCE INSTALLATION OF 5 FEET IN HEIGHT WITH COLUMNS OF 6.8 FEET IN HEIGHT, SUBMITTED BY APPLICANT KENNETH GRANGER, LOCATED AT 7208 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-04-040.

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.



City of Belle Isle



1600 Nela Avenue, Belle Isle, FL 32809

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

b.

Variance and Special Exception Application

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

APPLICANT Kenneth M Granger	OWNER Kenneth M Granger
ADDRESS 7208 Seminole Drive	PROJECT ADDRESS 7208 Seminole Drive
CONTACT NUMBER 407-415-8533	OWNER'S CONTACT NUMBER 407-415-8533
EMAIL me@kennyg.co	OWNER'S EMAIL me@kennyg.co
PARCEL ID# 29-23-30-4389-04-040	
LAND USE CLASSIFICATION R-1-AA	ZONING DISTRICT 5
SECTION OF THE CODE VARIANCE REQUESTED ON Sec. 50-102 (b)(5)(a)	
DETAILED VARIANCE REQUEST Owner is requesting a variance to install a fence in the front yard of the property as documented by the attachments.	
<ul style="list-style-type: none">The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within nine (9) months. Further, the requested user does not violate any deed restriction of the property.By applying, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property during reasonable hours to inspect the area to which the application applies.The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies.	
APPLICANT'S SIGNATURE 	OWNER'S SIGNATURE 
<input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> SPECIAL EXCEPTION <input type="checkbox"/> OTHER	P&Z CASE NUMBER 2022-06-030 DATE OF HEARING July 26 2022

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

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

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

- Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing or the applicant's attorney shall appear before the board.
- It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
- It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land



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Variance and Special Exception Application

b.

Development Code or for the purpose of obtaining a variance.

- f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.
- h. The board shall find that the preceding requirements have been met by the applicant for a variance.

the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the Board's discretion, such variance may be revoked for violation of the condition and 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. Under no circumstances, except as permitted above, shall the Board grant a variance to allow a use not generally or by special exception allowed in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

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

(2) Violations of conditions.

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

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

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

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

General Information

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

FOR OFFICE USE ONLY:
 FEE: \$300

Date Paid

Check/Cash

Rec'd By



City of Belle Isle
 1600 Nela Avenue, Belle Isle, FL 32809
 Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov
Variance and Special Exception Application

b.

ABOUT YOUR PUBLIC HEARING

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

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

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

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

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

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

Property Record - 29-23-30-4389-04-040

Orange County Property Appraiser •
http://www.ocpafl.org

Property Summary as of 05/20/2022

Property Name

7208 Seminole Dr

Names

Glose Steven R
Granger Kenneth M

Municipality

BI - Belle Isle

Property Use

0030 - Vacant Water

Mailing Address

2115 Heritage Village Ln
Orlando, FL 32837-5916

Physical Address

7208 Seminole Dr
Orlando, FL 32812



QR Code For Mobile Phone



7208 SEMINOLE DR, BELLE ISLE, FL 32812 1/7/2022 9:29 AM

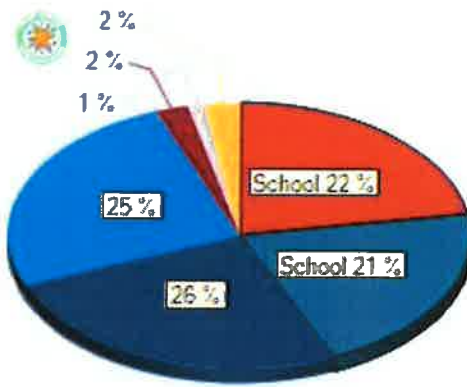


7208 SEMINOLE DR, ORLANDO, FL 32812 1/10/2018 10:08 AM



7208 SEMINOLE DR, ORLANDO, FL 32812 1/9/2017 3:28 PM





Value and Taxes

Historical Value and Tax Benefits

Tax Year Values		Land	Building(s)	Feature(s)	Market Value	Assessed Value
2021	✓ MKT	\$545,000	+ \$0	+ \$23,500 = \$568,500 (14%)		\$548,350 (10%)
2020	✓ MKT	\$475,000	+ \$0	+ \$23,500 = \$498,500 (37%)		\$498,500 (37%)
2019	✓ MKT	\$340,000	+ \$0	+ \$23,500 = \$363,500 (0%)		\$363,500 (0%)
2018	✓ MKT	\$340,000	+ \$0	+ \$23,500 = \$363,500		\$363,500

Tax Year Benefits		Tax Savings
2021	✓ \$	\$198
2020	✓	\$0
2019	✓	\$0
2018	✓	\$0

2021 Taxable Value and Certified Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	\$568,500	\$0	\$568,500	3.4890 (-3.33%)	\$1,983.50	21 %
Public Schools: By Local Board	\$568,500	\$0	\$568,500	3.2480 (0.00%)	\$1,846.49	20 %
Orange County (General)	\$548,350	\$0	\$548,350	4.4347 (0.00%)	\$2,431.77	26 %
City Of Belle Isle	\$548,350	\$0	\$548,350	4.4018 (0.00%)	\$2,413.73	26 %
Library - Operating Budget	\$548,350	\$0	\$548,350	0.3748 (0.00%)	\$205.52	2 %
St Johns Water Management District	\$548,350	\$0	\$548,350	0.2189 (-4.29%)	\$120.03	1 %
Lake Conway Mstu	\$548,350	\$0	\$548,350	0.4107 (0.00%)	\$225.21	2 %
				16.5779	\$9,226.25	

2021 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - GARBAGE - (407)851-7730	1.00	\$260.40	\$260.40
CITY OF BELLE ISLE	BELLE ISLE STRM - DRAINAGE - (407)851-7730	1.00	\$125.00	\$125.00
				\$385.40

Property Features

Property Description

b.

LAKE CONWAY PARK G/138 LOT 4 & LAND ON W TO 86.4 FT CONTOUR BLK D

Total Land Area

19,339 sqft (+/-) | 0.44 acres (+/-) GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0030 - Vacant Water	R-1-AA	1 LOT(S)	working...	working...	working...	working...

Buildings

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
BD3 - Boat Dock 3	12/31/2016	1 Unit(s)	working...	working...
BC3 - Boat Cover 3	12/31/2016	1 Unit(s)	working...	working...

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
12/05/2019	\$599,000	20190768160/		Warranty Deed	Seminole Investment 7208 LLC	Glose Steven R Granger Kenneth M	Vacant
02/16/2018	\$100	20180099086/		Quitclaim Deed	Black Pearl Realty Investments LLC	Seminole Investment 7208 LLC	Vacant
05/29/2013	\$250,000	20130291937	10579 / 4835	Warranty Deed	John Michael Crosby Trust	Black Pearl Realty Investments LLC	Vacant
01/17/2012	\$100	20120035493	10321 / 6608	Warranty Multiple	Crosby John M Crosby Mary Lou	John Michael Crosby Trust	Vacant

Similar Sales

Address	Sale Date	Sale Amount	\$/SQFT	Deed Code	Beds/Baths	Instrument #	Book/Page
13675 Ritta Island Dr	04/29/2022	\$722,700	\$252	Special Warranty	4/4	20220293980/	
6717 Point Hancock Dr	04/28/2022	\$2,760,000	\$544	Warranty Deed	5/6	20220283218/	
8870 Sonoma Coast Dr	04/26/2022	\$713,000	\$304	Special Warranty	3/2	20220273622/	
4212 Grant Blvd	04/22/2022	\$761,000		Warranty Deed	0/0	20220268651/	
13615 Ritta Island Dr	04/22/2022	\$714,400	\$214	Special Warranty	5/4	20220278099/	
6019 Bimini Twist Loop	04/22/2022	\$1,074,200	\$277	Special Warranty	5/4	20220290674/	
2251 Weatherly Way	04/21/2022	\$780,700	\$281	Special Warranty	4/4	20220274504/	
13627 Ritta Island Dr	04/15/2022	\$897,000	\$317	Special Warranty	4/4	20220260798/	
Shay Lynn Ct	04/12/2022	\$17,500		Warranty Deed	0/0	20220252270/	
Shay Lynn Ct	04/12/2022	\$17,500		Warranty Deed	0/0	20220252282/	

Services for Location

TPP Accounts At Location

Account	Market Value	Taxable Value
There are no TPP Accounts associated with this parcel.		

Schools

Shenandoah (Elementary)

Principal	Desiree Hitchmon-Houghton
Office Phone	407.858.3180
Grades	2019: C 2018: A 2017: A

Oak Ridge (High School)

Principal	Benjamin Alvarado
Office Phone	407.852.3200
Grades	2019: B 2018: C 2017: D

Conway (Middle School)

Principal	Joshua Jaron Bing
Office Phone	407.249.6420
Grades	2019: C 2018: C 2017: B

Utilities/Services

Electric	Duke Energy
Water	Orlando Utilities Commission

Recycling (Friday, Tuesday)	Belle Isle
Trash (Tuesday, Friday)	Belle Isle
Yard Waste (Monday)	Belle Isle

Elected Officials

County Commissioner	Mayra Uribe
State Representative	Anna V. Eskamani
State Senate	Linda Stewart
US Representative	Val Demings
School Board Representative	Linda Kobert
Orange County Property Appraiser	Amy Mercado

Belle Isle Planning and Zoning Board

June 1st, 2022

As the property owners of 7208 Seminole Drive in Belle Isle, we are seeking a variance of Belle Isle Code Section 50-102 (b)(5)(a) which states that a fence shall not be installed on residential property in front of the home.

We are requesting the Zoning Board to approve a variance to allow us to install a 5' black aluminum fence and gate along the front of our property as indicated on the enclosed site survey. The south side of our property already has a 5' Aluminum fence in front of the house from a previous installation on the adjacent property. We will be matching the materials to be consistent with the neighbors and the fence directly across the street surrounding Warren Park.

The fence is to protect us and our property from the activity that is generated by the lack of street parking, and the public using Warren Park, as well as to create a cohesive aesthetic with the neighboring homes. The fence will match the design of the fence surrounding Warren Park, and several of the properties on Seminole Drive that already have fences in front of their homes.

Being the only property across from Warren Park without a fence, visitors to the area often leave their vehicles on our property to access the park, visit neighbors, make u-turns, loiter, etc. Since there is no parking on the east side of Seminole Drive, our property becomes the community parking lot for anyone visiting the area since all the other homes have fences or gates that restrict access to their property.

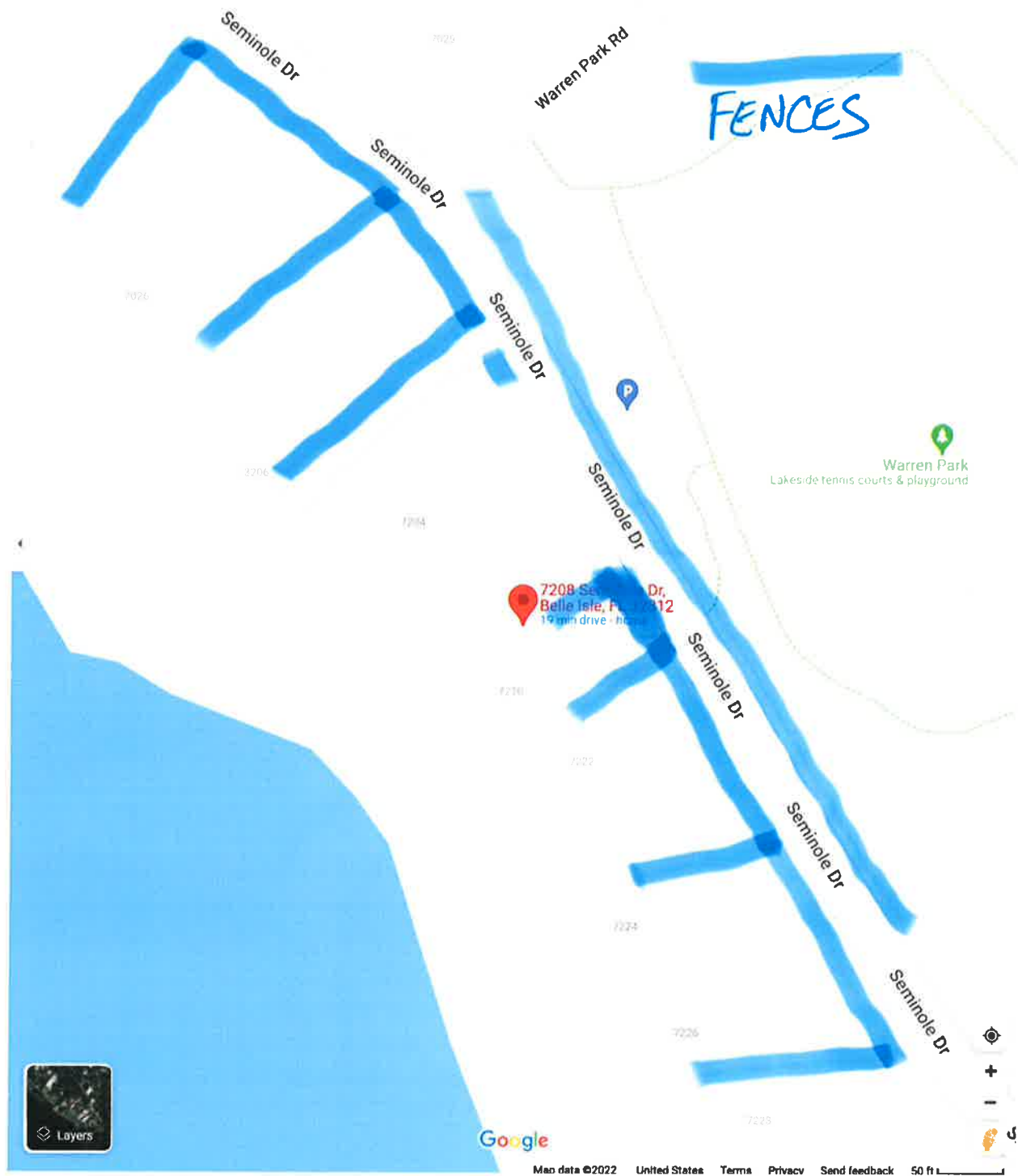
In addition to vehicle traffic, we have recorded several incidences of curious passers-by who took it upon themselves to trespass on our property. Some have used our dock to meet friends on their boats, kids on bikes get a chance to "off-road" a bit by turning onto our property, and even a family with two small children used our property to watch the sunset since the park closed at 8 pm and they could not access the lake via any other properties nearby.

We want to feel safe and have our privacy respected while in our home.

4 properties to the south of 7208 Seminole Drive, and 3 properties to the north have various forms of fences in the front of their properties, making 7208 Seminole Drive the only property on Seminole Drive south of Warren Park Road that does not have a fence.

These circumstances are not self-inflicted, they are the byproducts of previous fence permits being granted and the amount of activity that is generated by the park, visitors, and lack of street parking on Seminole Drive.

Granting a variance will not impact traffic or pedestrian safety and will create a consistent look of 8 properties in a row with fences in front of the homes, our fence will closely match the fence that surrounds Warren Park immediately across from our property.





Subject Property 7208 Seminole Drive - 5' Black Aluminum Fence is already in front of the property from a previous permit



7210 Seminole Drive - Property Immediately South with a 5' Alum Fence and Gate in front of the house.



2 Properties South- Aluminum Fence in front of the house.



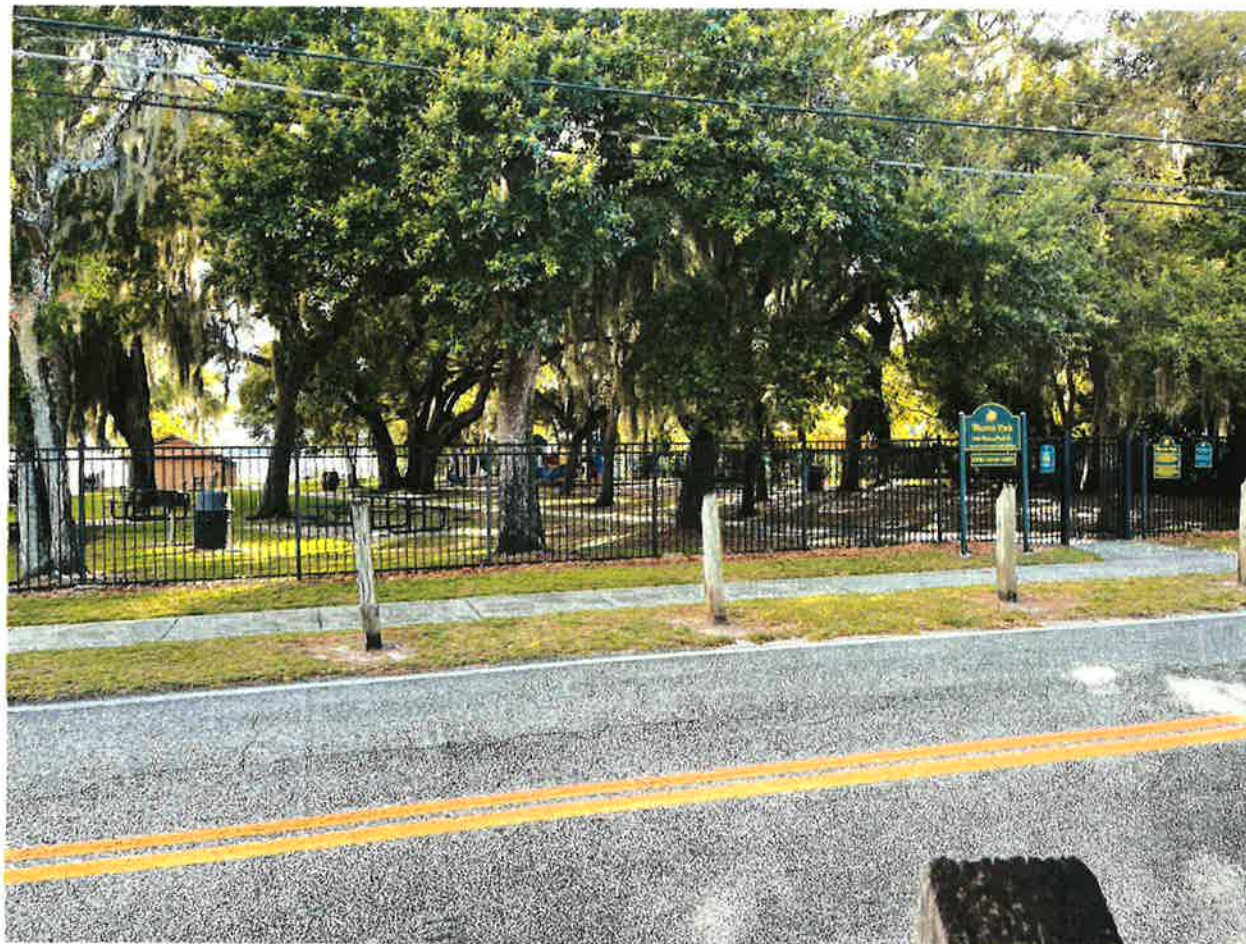
3 Properties South- Wire Fence with Aluminum Gate in front of the house



6' Black Aluminum Fence Separating Warren Park from Seminole Drive- Immediately across the street from 7208 Seminole Drive



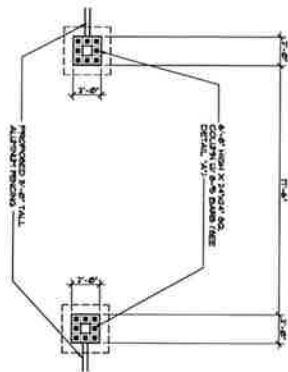
Property North with PVC Fence and Aluminium Gate in front of the house



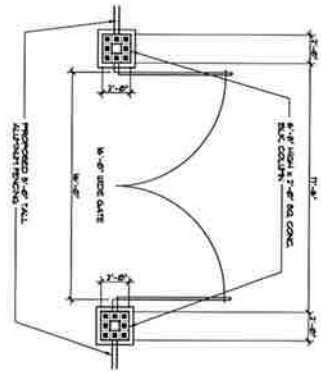
2 properties north, is Warren Park Lake Access- 6' Black Aluminum Fence along the sidewalk.



3 properties north - Chainlink fence in front of the house.



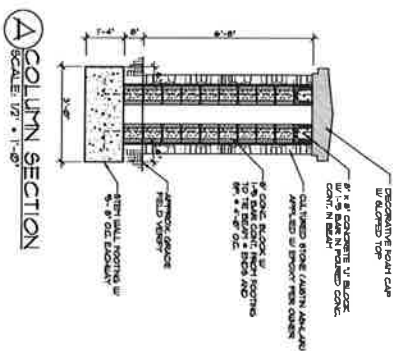
ENTRY GATE FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



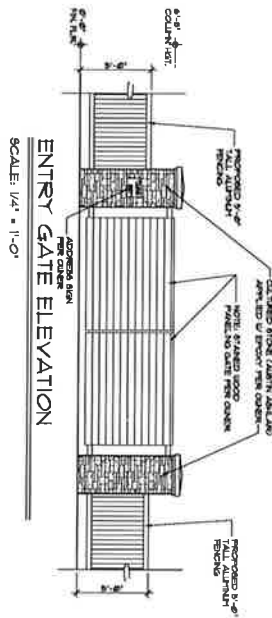
ENTRY GATE FLOOR PLAN
SCALE: 1/4" = 1'-0"

ENGINEERING NOTES (MASONRY)

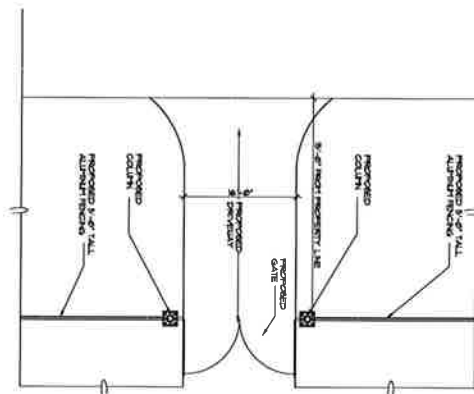
1. DESIGN WIND SPEED - 145 MPH
2. ALL MASONRY SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE 2009 INTERNATIONAL BUILDING CODE (IBC) AND THE 2009 ACI 530R MASONRY DESIGN AND CONSTRUCTION GUIDE.
3. CONCRETE SHALL BE 2800 PSI, 28 DAYS.
4. REINFORCING - GRADE 60 ASTM A63, LAP REINFORCING 6" OVERLAP.
5. COVER: 2" FOR REINFORCING.
6. CONCRETE FOUNDATION 2800 PSI, 28 DAYS.




COLUMN SECTION
SCALE: 1/4" = 1'-0"



ENTRY GATE ELEVATION
SCALE: 1/4" = 1'-0"



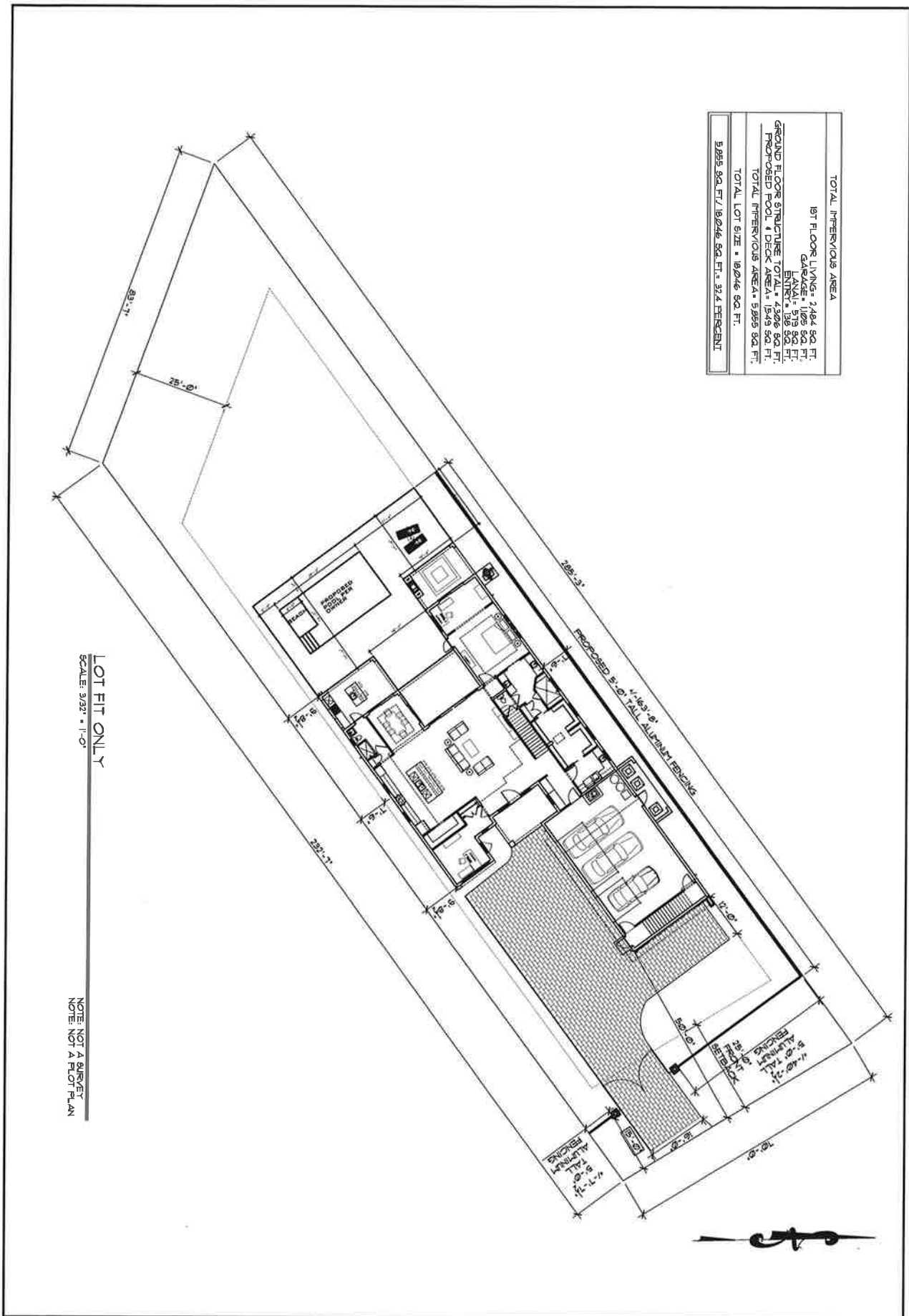
PARTIAL SITE PLAN
SCALE: N.T.S.



N. ORLAN
REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
LICENSE NO. 12345

CONSULTING ENGINEERS
12345 N. Orlan Blvd.
Suite 100
Orlando, FL 32812
Tel: 407-123-4567
Fax: 407-123-4568
E-mail: n.orian@ce-engineers.com

NOTED: AS SHOWN PER
CONTRACT



TOTAL INTERIORS AREA	
1ST FLOOR LIVING	2,484 SQ. FT.
GARAGE	1,025 SQ. FT.
PLAN	519 SQ. FT.
2ND FLOOR	1,025 SQ. FT.
GROUND FLOOR STRUCTURE TOTAL	4,320 SQ. FT.
PROPOSED POOL & DECK AREA	1,549 SQ. FT.
TOTAL INTERIORS AREA = 5,869 SQ. FT.	
TOTAL LOT SIZE = 18,046 SQ. FT. 37.4 PERCENT	
5,869 SQ. FT. / 18,046 SQ. FT. = 32.4 PERCENT	

LOT FIT ONLY
SCALE: 3/32" = 1'-0"

NOTE: NOT A SURVEY
NOTE: NOT A PLOT PLAN

MEMORANDUM

TO: Planning and Zoning Board

DATE: July 26, 2022

PUBLIC HEARING 2022-07-031: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 24 INCHES IN HEIGHT, SUBMITTED BY APPLICANT URBAN PERCH, LOCATED AT 2520 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-122.

Background:

1. On June 2, 2022, the applicant, Urban Perch, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, July 16, 2022, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on July 14, 2022.

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 outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Sec. 42-64 of the Belle Isle Land Development Code, SEC. 50-102 (B) (5) (A), having been met TO APPROVE A FRONT YARD FENCE INSTALLATION OF 24 INCHES IN HEIGHT, SUBMITTED BY APPLICANT URBAN PERCH, LOCATED AT 2520 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-122..

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code SEC. 42-64, the justifying criteria of the Belle Isle Land Development Code, and SEC. 50-102 (B) (5) (A), *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 A FRONT YARD FENCE INSTALLATION OF 24 INCHES IN HEIGHT, SUBMITTED BY APPLICANT URBAN PERCH, LOCATED AT 2520 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-122.

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

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

c.

2022-07-031

Variance and Special Exception Application

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

APPLICANT Urban Perch	OWNER Mark Jones, Jessica Jones
ADDRESS 976 Lake Baldwin Ln, Suite 102, Orlando	PROJECT ADDRESS 2520 Homewood Dr.
CONTACT NUMBER 407-269-4620	OWNER'S CONTACT NUMBER 407-376-6397
EMAIL pedro@urbanperchhomes.com	OWNER'S EMAIL majjones@icloud.com
PARCEL ID# 19-23-30-5888-06-122	
LAND USE CLASSIFICATION Residential	ZONING DISTRICT R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON 50-102 (b) (5)	
DETAILED VARIANCE REQUEST To allow a low (16" to 24") CMU wall in front of the main residence structure in order to retain the earth from the new drainfield mound from coming onto the circular driveway. See attached narrative letter.	
<ul style="list-style-type: none"> The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within nine (9) months. Further, the requested user does not violate any deed restriction of the property. By applying, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property during reasonable hours to inspect the area to which the application applies. The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies. 	
APPLICANTS SIGNATURE 	OWNER'S SIGNATURE
<input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> SPECIAL EXCEPTION <input type="checkbox"/> OTHER	P&Z CASE NUMBER 2022 07 031 DATE OF HEARING July 26, 2022

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

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

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

- Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing or the applicant's attorney shall appear before the board.
- It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
- It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land



City of Belle Isle
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Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov
Variance and Special Exception Application

c.

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

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

(2) Violations of conditions.

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

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

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

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

General Information

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

FOR OFFICE USE ONLY:
FEE: \$300

Date Paid

7/1/22

Check/Cash

CR.1969

Rec'd By

YDZ



City of Belle Isle
1600 Nela Avenue, Belle Isle, FL 32809
Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov
Variance and Special Exception Application

c.

ABOUT YOUR PUBLIC HEARING

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

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

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

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

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

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

06-30-22

Regarding: Narrative Letter for Variance Application
Jones Residence
2520 Homewood Dr, Belle Isle, Florida
Parcel #: 19-23-30-5888-06-122

To: City of Belle Isle Planning and Zoning
ATTN: P&Z Board



email: kevin@ksarchitect.net
cell: (386) 405 - 8322
office: (386) 314 - 0044
website: ksarchitect.net
145 Canal Street,
New Smyrna Beach, FL, 32186

Mark and Jessica Jones, the owners of 2520 Homewood Dr., are requesting a variance to allow a low (16" to 24") CMU wall in front of the main residence structure in order to retain the drainfield mound from the circular driveway.

To prevent storm water from entering the house, the circular driveway needs to be lower than the house slab elevation and the drainfield is required to be elevated, therefore a retaining wall is necessary. This low cmu retaining wall is only 16" to 24" tall and matches the mid century architectural genre of the original house.

Mark and Jessica Jones purchased this house because of their appreciation for mid-century modern architecture which typically incorporates low planter walls throughout the site, as seen in the original design and addition. In turn, this low wall would contribute to the Mid-Century modern architectural vernacular. From the street view, the wall will only be 8" and 16" tall and delineates a separation between the drainfield and the guest parking on-site.

We appreciate your consideration for this variance request which we believe is of minimal impact from the roadside and a necessary functional response between the elevated drainfield, circular driveway and garage slab elevation.

Thank you,

Kevin Schweizer, AIA
AR0013154
kevin@ksarchitect.net

07-01-22

Regarding: Narrative Letter for Variance Application
Jones Residence
2520 Homewood Dr, Belle Isle, Florida
Parcel #: 19-23-30-5888-06-122

To: City of Belle Isle Planning and Zoning
ATTN: P&Z Board



email: kevin@ksarchitect.net
cell: (386) 405 - 8322
office: (386) 314 - 0044
website: ksarchitect.net
145 Canal Street,
New Smyrna Beach, FL, 32186

Mark and Jessica Jones, the owners of 2520 Homewood Dr., are requesting a variance to allow a low (16" to 24") CMU wall in front of the main residence structure in order to retain the drainfield mound from the circular driveway.

See answers to narrative letter questions below:

1.) WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?

This project involves a renovation/addition of an existing 1965 Mid Century Modern Home that is located in an area that does not have access to city sewer and therefore has a septic/drainfield system. The addition required the relocation of the septic tank and drainfield from the lakefront site to the front yard. This is a better solution for the quality of the lake and provides easier access to maintain the septic system.

2.) HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?

Given the need to upgrade the existing plumbing/septic system to accommodate the additional plumbing loads the septic system had to be relocated. With limited available area on the lakeside yard we relocated the new septic tank and drainfield on the front of the property to minimize the environmental impact on the lake and take advantage of the space we had in the front

Given the placement of the drainfield in the front of the house, the circular driveway has to be placed around it. To prevent storm water from entering the house, the circular driveway needs to be lower than the house slab elevation and the drainfield is required to be elevated, therefore a retaining wall is necessary. This low masonry retaining wall is only 16" to 24" tall and matches the mid century architectural genre of the original house.

3.) CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY?**LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.**

The only alternative we can foresee is to have the drainfield moved to the rear yard which would eliminate the need for the low wall around the driveway. This is not feasible due to the adequate available area to keep the larger septic tank and larger drainfield at an appropriate distance from the lake.

4.)WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE, ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC).

From the street view, the wall will only be 8" and 16" tall and delineates a separation between the drainfield and the guest parking on-site. We believe this low wall is of minimal impact from the roadside and a necessary functional response between the elevated drainfield, circular driveway and garage slab elevation. Furthermore, the circular driveway allows for an optimal circulation in and out of the property which in turn enhances the vehicular traffic on Homewood Drive. By delineating the guest parking on site, all the parking for the owners and visitors will be contained on site which would remove the need to park on the street.

Furthermore, Mark and Jessica Jones purchased this house because of their appreciation for mid-century modern architecture which typically incorporates low planter walls throughout the site, as seen in the original design and addition. In turn, this low wall would contribute to the Mid-Century modern architectural vernacular.

We appreciate your consideration for this variance request which we believe is of minimal impact from the roadside and a necessary functional response between the elevated drainfield, circular driveway and garage slab elevation.

Thank you,



Kevin Schweizer, AIA
AR0013154
kevin@ksarchitect.net

Property Record - 19-23-30-5888-06-122

Orange County Property Appraiser • <http://www.ocpafl.org>

Property Summary

Property Name

2520 Homewood Dr

Names
Jones Mark Allen
Jones Jessica M
Municipality

BI - Belle Isle

Property Use

0130 - Sfr - Lake Front

Mailing Address
2520 Homewood Dr
Belle Isle, FL 32809-6111
Physical Address
2520 Homewood Dr
Orlando, FL 32809

QR Code For Mobile Phone



302319588806122 09/29/2006



Value and Taxes

Historical Value and Tax Benefits

Tax Year Values

		Land	Building(s)	Feature(s)	Market Value	Assessed Value
2021	W MKT	\$425,000	+ \$267,685	+ \$17,750 =	\$710,435 (6.4%)	\$710,435 (6.4%)
2020	W MKT	\$370,000	+ \$272,274	+ \$25,250 =	\$667,524 (7.8%)	\$667,524 (7.8%)
2019	W MKT	\$345,000	+ \$249,187	+ \$25,250 =	\$619,437 (2.0%)	\$619,437 (58%)
2018	W MKT	\$345,000	+ \$236,776	+ \$25,250 =	\$607,026	\$392,471

Tax Year Benefits

		Original Homestead	Additional Hx	Other Exemptions	SOH Cap	Tax Savings
2021	W	n/a	n/a	n/a	n/a	\$0
2020	W	n/a	n/a	n/a	n/a	\$0
2019	W	n/a	n/a	n/a	n/a	\$0
2018	W HX CAP	\$25,000	\$25,000	\$500	\$214,555	\$4,370

2021 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	\$710,435	\$0	\$710,435	3.4890 (-3.33%)	\$2,478.71	21 %
Public Schools: By Local Board	\$710,435	\$0	\$710,435	3.2480 (0.00%)	\$2,307.49	20 %
Orange County (General)	\$710,435	\$0	\$710,435	4.4347 (0.00%)	\$3,150.57	27 %
City Of Belle Isle	\$710,435	\$0	\$710,435	4.4018 (0.00%)	\$3,127.19	27 %
Library - Operating Budget	\$710,435	\$0	\$710,435	0.3748 (0.00%)	\$266.27	2 %
St Johns Water Management District	\$710,435	\$0	\$710,435	0.2287 (0.00%)	\$162.48	1 %
Lake Conway Mstu	\$710,435	\$0	\$710,435	0.4107 (0.00%)	\$291.78	2 %
				16.5877	\$11,784.49	

2021 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - GARBAGE - (407)851-7730	1.00	\$260.40	\$260.40
CITY OF BELLE ISLE	BELLE ISLE STRM - DRAINAGE - (407)851-7730	1.00	\$125.00	\$125.00
				\$385.40

Property Features

Property Description

NELA ISLE (ISLAND SECTION) 0/99 W 8 FT OF LOT 12 LOT 13 & E 25 FT OF LOT 14 & LAND ON S TO WATERS OF LAKE BLK F

Total Land Area

29,598 sqft (+/-)

0.68 acres (+/-)

GIS Calculated

C.

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0130 - Sfr - Lake Front	R-1-AA	1 LOT(S)	\$425,000.00	\$425,000	\$0.00	\$425,000

Buildings

Model Code	01 - Single Fam Residence	Subarea Description	Sqft	Value
Type Code	0104 - Single Fam Class IV	BAS - Base Area	2118	\$282,012
Building Value	\$267,685	FSP - F/Scr Prch	578	\$26,896
Estimated New Cost	\$382,407	FST - Fin Storge	108	\$7,190
Actual Year Built	1966	FUS - F/Up Story	435	\$49,266
Beds	4	PTO - Patio	32	\$266
Baths	3.5	UCP - Unf Carprt	468	\$12,516
Floors	2	UOP - Unf O Prch	138	\$2,796
Gross Area	3902 sqft	UST - Unf Storag	25	\$1,465
Living Area	2553 sqft			
Exterior Wall	Conc/Cindr			
Interior Wall	Plastered			

**Extra Features**

Description	Date Built	Units	Unit Price	XFOB Value
BD3 - Boat Dock 3	01/01/1966	1 Unit(s)	\$10,000.00	\$10,000
PT1 - Patio 1	01/01/1966	1 Unit(s)	\$1,000.00	\$1,000
BC3 - Boat Cover 3	01/01/1983	1 Unit(s)	\$6,000.00	\$6,000
WLCB - Wall Cb	01/01/1983	50 Unit(s)	\$15.00	\$750

Sales**Sales History**

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
07/02/2018	\$695,000	20180400084	/	Warranty Deed	Bernstein Ruth Shmunes	Jones Mark Allen Jones Jessica M	Improved





FRONT ELEVATION OF PROPERTY



FRONT VIEW OF LOW WALL



EAST VIEW OF LOW WALL



WEST VIEW OF LOW WALL



CITY OF BELLE ISLE, FL

Planning and Zoning: Staff Report

July 26, 2022

Variance Application: 5842 Cove Drive, Belle Isle, FL 32812

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 42-64 and SEC. 48-32 (A) (1), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO HAVE A PRIVATE BOAT DOCK PERMITTED WITHIN THE FIVE FEET SIDE SETBACK OF THE NEIGHBORING DOCK, SUBMITTED BY APPLICANT BRENDAN SWEENEY, LOCATED AT 5842 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-090.

Existing Zoning/Use: R-1-AA / Single-Family Residence

Review Comments

This application seeks a variance from the Code regarding the minimum side setback requirement for boat docks on the property line. The proposed building plan would be within five feet of the neighboring dock. The dock at 5834 Cove Drive has a grandfathered, non-conforming dock already located within the five-foot setback of the property line.

The applicant has provided documentation of the proposed boat dock building design. In the Narrative Letter, the applicant states they would meet all other Code considerations listed under the Design Criteria of Docks.

Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below:

1. Special Conditions and/or Circumstances

No special conditions or circumstances applicable to this variance request, nor is it specified in the Narrative Letter.

2. Not Self-Created

This variance request is self-created as the boat dock can be constructed in a different location along the resident's shoreline.

3. Minimum Possible Variance

No other options were presented in the Narrative Letter to indicate the applicant sought alternative plans to make possible reasonable use of the land and building structure.

4. Purpose and Intent

The purpose of this request is to recreate a previously established boat dock layout. The placement of the proposed dock is not harmonious with the general purpose and intent of the Land Development Code. Its proximity to the neighboring dock may be construed as detrimental to the public welfare and act contrary to the public interest.

In consideration of the variance request criteria, Staff does not recommend approval for the requested variance. The applicant does not satisfy the hardship test required for variance requests. If the board does accept the variance request, I recommend a minimum setback distance should be identified and implemented for safety considerations with the design of this structure. Another condition for this request should ensure the applicant has no open environmental complaints with the Orange County Environmental Protection Division. Any use of heavy equipment needs approval from Orange County EPD and must provide notice to Belle Isle City Hall.

Additional Notes

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

A decision by the Board may be appealed by any aggrieved person to the City Council pursuant to Code Sec. 42-64.

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 5 FEET IN HEIGHT WITH COLUMNS OF 6.8 FEET IN HEIGHT, SUBMITTED BY APPLICANT KENNETH GRANGER, LOCATED AT 7208 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-04-040.

Existing Zoning/Use: R-1-AA / Single-Family Residence

Review Comments

This variance application seeks a variance from Sec. 50-102 (B) (5) (A) to install a front yard fence with two concrete columns at 6.8 feet in height. The applicant has cited concerns for safety and privacy in their Narrative Letter as they are located adjacent to a public park. The proposed fence installation meets the standard height requirement per City Code, except for the two columns supporting the entrance gate. This request does not conflict with the characteristics of the neighborhood and upholds an established pattern by surrounding properties to have a front yard fence. The applicant would maintain conformance with the neighborhood aesthetic with the front yard fence installation.

The board in granting an application for the variance may consider as justifying the criteria, the following:

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 material of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional security need of the applicant.

Staff Recommendation

Based on the applicant's identification that privacy and security are primary considerations for installing the front yard fence, coupled with the existing abutting fence along the side of the property, Staff recommends approval of the requested variance. These items are consistent with meeting the criteria established in Sec. 50-102 (b) (16) and the required criteria of Sec. 42-64 (1). The board may condition the applicant to adjust the height of the two fence columns to six feet or require the applicant to provide written letters of approval to install the columns above the general six-foot height from the natural grade of the land.

Additional Notes

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

A decision by the Board may be appealed by any aggrieved person to the City Council pursuant to Code Sec. 42-64.

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 24 INCHES IN HEIGHT, SUBMITTED BY APPLICANT URBAN PERCH, LOCATED AT 2520 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-122.

Existing Zoning/Use: R-1-AA / Single-Family Residence

Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below:

1. Special Conditions and/or Circumstances

Given the property's extensive work in remodeling and adding to the original building plan, the variance request satisfies the criteria as a special condition. The property initially had the drain field area and septic tank located in the rear but was relocated years ago to the front yard to meet building plans for an addition in the backyard.

2. Not Self-Created

The unique circumstance of this variance request is self-created as the property owner approved the relocated drain field and septic tank in recent years.

3. Minimum Possible Variance

The applicant has examined other options but faced hurdles to keep the drain field and septic tank in the backyard, especially for maintaining the new cottage structure in the back and to expand the ongoing home renovations at the original site location.

4. Purpose and Intent

The proposed low wall separates the designated driveway area from the relocated drain field and septic tank on site. This variance request aims to protect the drain field and septic tank primarily from vehicles.

Staff provides a recommendation to approve the requested variance. The applicant proposed the retention wall would be 16 to 24 inches tall. The board may set the maximum height allowed to satisfy the applicant's request for containing the drain field area. By establishing a height requirement, the board can ensure the front wall barrier does not exceed its intended use, nor would it drastically alter or deviate from the overall character of the neighborhood.

Additional Notes

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

A decision by the Board may be appealed by any aggrieved person to the City Council pursuant to Code Sec. 42-64.