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**NOTICE OF PUBLIC MEETING**  
**February 26, 2019- 6:30 PM**

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

UPDATED AGENDA

1. Call to Order, Confirmation of Quorum and Pledge to the Flag
2. Approval of the January 22, 2019 minutes
3. **PUBLIC HEARING CASE # 2019-01-034** - 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 24-foot long by 4 feet high white vinyl fence in the front yard of a residential property to protect the drain field and to place a 57-foot long white vinyl fence down one side of the front yard (24 feet by 6 feet high and 35 feet by 4 feet high), submitted by applicant Darren West, located at 2218 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel #18-23-30-8856-05-640.
4. **PUBLIC HEARING CASE #2018-08-057 (CONTINUED FROM JANUARY 22, 2019)** - Pursuant to Belle Isle Code Sec. 42-64 the Board shall consider and take action on a requested variance from Sec. 50-73, to allow a maximum building height of 33 feet instead of the standard maximum allowed building height in the C-1 zoning district of 30 feet, and take action on a requested variance from Sec. 50-72 (d) (1), to allow the widths of interior driveways to be 22 feet instead of 25 feet, and take action on a requested variance from Sec. 50-72 (a) (1) to allow a parking space ratio of 0.7 spaces for every Hotel room instead of the required 1 space for every hotel room plus 1 for every 100 square feet of office/ lobby area submitted by applicant Capital Lodging, LLC, Located at 1853 McCoy Road, Belle Isle FL 32809, also known as Parcel # 30-23-30-0000-00-012.
5. **PUBLIC HEARING CASE #2018-08-062 (CONTINUED FROM JANUARY 22, 2019)** - Proposed Development Site Plan. Pursuant to Belle Isle Code Sec. 54-79 (f) (4), the Board shall review and take action on the proposed site plan, submitted by APPLICANT Capital Lodging, LLC, located at 1853 McCoy Road, Belle Isle FL 32809, also known as Parcel # 30-23-30-0000-00-012.
6. Adjournment

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Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based, Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.



**City of Belle Isle**  
**Planning & Zoning Board Regular Session Minutes**  
**January 22, 2019 – 6:30 pm**

Dan Langley City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Shawn Jervis District 3	Randy Holihan District 4	Rainey Lane District 5	Russell Cheezum District 6	Nicholas Fouraker Chairman District 7
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On Tuesday, January 22, 2019, the Belle Isle Planning & Zoning Board met in a regular session at 6:30 pm in the Belle Isle City Hall Council Chambers. Present was Chairman Fouraker, Vice Chairman Woods, Board member Lane, Board Member Cheezum, Board member Shenefelt, Board member Jervis. Also present was Attorney Dan Langley, City Manager Francis, City Planner April Fisher and City Clerk Yolanda Quiceno.

Absent was Board member Holihan.

**1. CALL TO ORDER**

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

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

**Board member Jervis motioned the approved absence for Board member Holihan  
Vice Chairman Woods seconded the motion, which passed 6:0.**

**2. APPROVAL OF MINUTES**

a. Approval of the December 20, 2018 minutes

**Board member Jervis motioned to approve the minutes as presented.  
Vice Chairman Woods seconded the motion, which passed 6:0.**

3. Public Hearing Case #2019-01-005- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to replace an existing fence across the front yard and add a gate between two existing columns in the front yard and sides of property of a residential property, submitted by applicant Kevin and Caroline Lee located at 7612 Daetwyler Drive, Orlando, FL 32812 also known as Parcel #29-23-30-8036-02-050.

Chairman Fouraker read by title.

Caroline Lee, the applicant, was present to answer any questions the Board may have on her application

Chairman Woods said he did not see any documentation of what type of fence or wall the applicant was trying to install, height or type. The applicant said she was looking to install a 6-foot chain link fence in the areas of where it is in disrepair. Attorney Langley said the Legal notice description is adequate for the variance because it is not to the height just the location. The Board may add a condition to the motion to include the height and type of the fence.

The applicant said the reason for the mechanical gate is for safety because the house is on the edge of Belle Isle and the road is notorious for reckless driving. Also, random people are walking through the property either looking for work or wanting to go to the Lake.

The applicant said the fence would be installed closer to the home than the existing fence to allow for a green wall on both sides of the fence. She further added that she spoke with neighbors but do not have any written notices in opposition.

There being no further questions for the applicant, Chairman Fouraker opened for public comment. There being none he closed the public comment and opened for Board discussion.

The Board discussed the location, added security and aesthetics of the chain link fence. Chairman Fouraker said that there is a very little buffer from the fence to the sidewalk and would like to see some relief for those who use the sidewalk. The applicant said the fence maybe 18 inches back from where it currently stands.

After discussion, the Board asked if the applicant was willing to have a 10-foot buffer to accommodate the fence and bushes. The applicant said she agreed.

**Vice Chairman Woods moved, the criteria of Chapter 42, Article III, Sections 50-102 (b) (5), Sec. 50-102 (b) (16) and 42-64 of the Belle Isle Land Development Code having been met TO APPROVE this request for a variance to replace an existing fence across the front yard and add a gate between two existing columns in the front yard and sides of property of a residential property, submitted by applicant Kevin and Caroline Lee located at 7612 Daetwyler Drive, Orlando, FL 32812 also known as Parcel #29-23-30-8036-02-050 with the following conditions,**

**the fence must be set back from the right away a distance of ten feet and allowances made for driving site lines to the sidewalk and verified by staff.**

**Board member Lane seconded the motion.**

**Chairman Woods amended the motion to include,  
a landscape hedge to screen the fence.**

**The amendment was seconded and unanimously approved by the Board 6:0.**

Chairman Fouraker said the applicant should wait for 15-days from approval for any appeals before submitting for a permit.

4. Public Hearing Case #2018-12-032 - Under Belle Isle Code Sec. 50-102 (a) (6) (d), Sec. 54-3 (h) and Sec. 42-64, the Board shall consider and take action on a requested variance to place screen enclosure that is 23.5 feet in height on a residential property. This is 3.5 feet taller than what the Code allows, submitted by applicant Richard Morgan/JJ Building located at 6633 The Landings Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-320.

Chairman Fouraker read by title.

Kelly Levine from J&J Building residing at 839 Walnut Street, Orlando, FL spoke on behalf of the applicant. She was contracted by the homeowner to rebuild his home after it burned down during bad weather a few years ago. The proposed design is in line with the original footprint. The home was an infill project, and some of the conditions were not able to change for example the elevation. These conditions were not self-created, and they were not able to salvage any of the remaining enclosure. The applicant is asking for 3 ½ feet over the existing 20 ft to cover the balcony. The applicant stated for the record that there was a permit issued more than 20 ft at 3549 Country Lakes Drive and 7484 Daetwyler Drive-2016-11-063.

There being no further questions for the applicant, Chairman Fouraker opened for public comment. There being none he closed the public comment and opened for Board discussion.

Vice Chairman Woods said that, by his observation, the screen would not be an eyesore from the road or blocking anyone's sight line.

**After discussion, Board member Cheezum moved, the criteria of Chapter 42, Article III, Sections 50-102 (a) (6) (d), Sec. 54-3 (h) and 42-64 of the Belle Isle Land Development Code having been met TO APPROVE this request for a variance to place screen enclosure that is 23.5 feet in height on a residential property. This is 3.5 feet taller than what the Code allows, submitted by applicant Richard Morgan/ JJ Building located at 6633 The Landings Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-320.**

**Board member Jervis seconded the motion which passed unanimously 6:0.**

Chairman Fouraker said the applicant should wait for 15-days from approval for any appeals before submitting for a permit.

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

Chairman Fouraker read by title.

At the January 2019 meeting, the Board requested additional information on the history of calls to service by the police department at the location. Chairman Fouraker invited Belle Isle PD to make their presentation.

Corporal Hernandez provided a 5-page report of data from 2018 because historical data is not retained. Corporal Hernandez reported on the history of the hotel before the current owner and the calls to service since the new ownership. Officer Hernandez gave a brief overview and said that the calls had decreased significantly since the new management. Officer Hernandez recommended more lighting in the parking lot, functional surveillance cameras, repair of the chain link fence on the west side and proper training for hotel staff. Discussion ensued on other extended stays and surrounding area hotels.

Amir Dhanji with offices at 1853 McCoy Road said the location has changed from the previous ownership. The reason for the decrease in crime is because they currently rent rooms starting at \$69+ and are not lower rate rooms. The owners have invested 2million dollars in upgrades and have improved the property's safety considerably.

Shri Ram, Consultant with offices at 1369 Litchfield Drive, Winter Garden spoke on the extended stay portion of the hotel. He stated that the owners will not entertain the second hotel as an extended stay and will remain a traditional hotel. The existing structure is 33 feet, and the owner intends to add 57 rooms matching the existing roof line.

Attorney Langley asked if the staff conditions tied to the variance and the site plan both. April Fisher said it is tied just to the site plan. The applicant is not requesting a variance from their exiting buffers, and she wanted to make it clear. The site plan conditions must be met before moving forward.

Vice Chairman Woods shared his concerns with the following,

- The width of the front drive lane

The proliferation of SUV type vehicles on the road and cutting the width of the drive two feet is cutting it pretty close. He said the site plan does not dimension the drive lanes at all. Mr. Ram said the drive lane to the east side will be 24 feet, and the front will be 22 feet.

- Reduction of the parking space ratios

The applicant is asking for .70 parking spaces for every hotel room with no application for lobby space or other office rooms. In the parking study, it cites an average of .73 peak parking ratio without any regard to the number of the conference room, meeting rooms, etc. There is no clarification for why the City should grant the .73 without further information. The decrease in parking can create the potential for more accidents.

Vasu Persaud, Traffic Engineer, said the study was evaluated based on the City's parking requirements, compared to City of Orlando and Orange County, reviewed other Flag studies and created an average parking rate. To preface the whole discussion, the owner does have a shared shuttle service, and there is an increase in Uber and Lift which is used by many of the business travelers visiting the hotel. He added that the parking utilization at the current hotel with 167 rooms is fairly low.

In his opinion, a lobby space is not a parking generator, but an auxiliary use by the guest and does not drive traffic. The City's requirement is one space per room, and they are asking for a 25% reduction considering the increased use of Uber and shuttle services. Discussion ensued. Mr. Persaud said he is willing to provide comparison information for Board review.

- Extended Stays/Kitchens

The intent of the currently proposed hotel is not to do an extended stay, however; the proposed floor plans appear to have kitchenettes and separate rooms for beds. Jeff Baker, Architect with offices at 4101 Woodland Lane, Orlando, FL 31812, said the floor plans were originally prepared for the initial phase. The suites will have a small kitchenette similar to a Holiday Inn.

April Fisher clarified for consideration; the application narrative requests a .70 ratio; however, the transportation report supports .75. The Board can consider .75 for approval.

There being no further questions for the applicant, Chairman Fouraker opened for public comment.

- Kathy Ray residing at 2512 Trentwood Blvd spoke in opposition of extended stays and the height request of 33 feet. She further noted that she saw a sign that said car rental here and asked if they will be renting vehicles at their hotel. Shri Ram stated that the hotel would not be providing that service and the sign will be removed. After Shir Ram confirmed the hotel would not be extended stay she said she was not opposed to the 33 foot request.

There being no further public comment Chairman Fouraker closed the public comment and opened for Board discussion.

The Board discussed the following for consideration,

- The Board can request an updated report that supports .70 parking ratio with comparables with non-extended stay hotels.
- Building Height of 33 feet
- Front driveway width of 22 feet
- Building and Parking lighting study
- Fence remedied before approval
- Camera system integration with law enforcement
- No significant cooking facilities
- Confirmation that the hotel will not be an extended stay

After discussion, April Fisher said if the application is denied the applicant will need to wait 6-months to make a new application with a similar request or the Board can approve the application with conditions. Ms. Fisher cautioned the condition not to allow an extended stay which is an element of both the variance and site plan. The code does not have any provisions for cooking facilities within a room, and the detail of the floor plan includes cooking facilities. Given the Board's desire that the rooms are not an extended stay she recommends that the applicant submit a revised site plan. Discussion ensued.

Chairman Fouraker asked the applicant if they will be willing to table the request for another month. The applicant said yes. The Board agreed to have the applicant submit updated information on the discussed items.

April Fished recommended tabling the application to the March 2019 meeting.

The Board discussed having the City Attorney provide a legal definition of an extended stay

**Vice Chairman Woods motioned to continue Item #5-Public Hearing #2018-08-57 to be continued until a date certain of February 26, 2019, with the submittal date of February 1<sup>st</sup> that shall include,**

- 1. Updated parking study**
- 2. Letter from the ownership indicating they will be providing a Cpted (Crime Protection Through Environmental Design) standard for security cameras**
- 3. Photometric lighting plan to be submitted during the permitting process**

**Board member Jervis seconded the motion which passed unanimously 6:0.**

**Board member Cheezum motioned to continue Item #6-Public Hearing #2018-08-062 to be continued until a date certain of February 26, 2019.**

**Board member Fouraker seconded the motion which passed unanimously 6:0.**

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

**This item was continued until a date certain of February 26, 2019.**

7. ORDINANCE 19-01: An Ordinance of the City of Belle Isle, Florida approving the rezoning application of the City of Belle Isle, property owner/applicant, and rezoning that certain property located behind 2635 McCoy Road, Belle Isle, Florida, identified in the Orange County Tax Rolls with Parcel number 30-23-30-0000-00-020 more particularly described in Orange County Records, Orange County, Florida, from single-family dwelling district (R-1-A) to open space (OS); providing for severability, repealer, codification and an effective date.

Chairman Fouraker read by title.

Chairman Fouraker opened for public comment.

Chairman Fouraker closed public comment and opened for Board discussion.

**Board member Woods read by title and recommended approval of Ordinance 19-01 to City Council for review and consideration.**

**Board member Fouraker seconded the motion which passed unanimously 6:0.**

**OTHER BUSINESS**

According to the Municipal Code 40-32(c) (1), the Board is required to elect officers.

**Board member Woods motioned to nominate Nicholas Fouraker as the Chair.**

**Board member Shenefeld seconded the motion which passed unanimously 6:0.**

**Board member Fouraker motioned to nominate David Woods as the Vice Chair.**

**Board member Cheezum seconded the motion which passed unanimously 6:0.**

**ADJOURNED**

There being no further business Chairman Fouraker called for a motion to adjourn, unanimously approved at 8:30 pm.

Yolanda Quiceno  
City Clerk, CMC

DRAFT

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## NOTICE OF PUBLIC MEETING

FEBRUARY 26, 2019 – 6:30PM

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### CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

#### ITEM 3

#### MEMORANDUM

TO: Planning and Zoning Board

DATE: February 26, 2019

Public Hearing Case #2019-01-034 - 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 24-foot long by 4 feet high white vinyl fence in the front yard of a residential property to protect the drain field and to place a 57-foot long white vinyl fence down one side of the front yard (24 feet by 6 feet high and 35 feet by 4 feet high), submitted by applicant Darren West, located at 2218 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel #18-23-30-8856-05-640.

#### Background:

1. On January 28, 2019, the applicant Darren West submitted the application, fee, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, February 16, 2019, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, February 14, 2019.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing.

The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

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#### SAMPLE MOTION TO APPROVE:

"I move, the criteria of Chapter 42, Article III, Sections 50-102 (b) (16) and 42-64, the Board shall consider and take action on a requested variance to place a 24-foot long by 4 feet high white vinyl fence in the front yard of a residential property to protect the drain field and to place a 57-foot long white vinyl fence down one side of the front yard (24 feet by 6 feet high and 35 feet by 4 feet high), submitted by applicant Darren West, located at 2218 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel #18-23-30-8856-05-640.

#### SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code, Chapter 42, Article III, Sections 50-102 (b) (16) and 42-64, having NOT been met; ***[use only if NONE of the justifying criteria have been met]*** the requirements of section 42-64 Subsections: ***[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED]*** **having NOT been met;** *[may be used in addition to above or alone]* **TO DENY** this request for a variance to place a 24-foot long by 4 feet high white vinyl fence in the front yard of a residential property to protect the drain field and to place a 57-foot long white vinyl fence down one side of the front yard (24 feet by 6 feet high and 35 feet by 4 feet high), submitted by applicant Darren West, located at 2218 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel #18-23-30-8856-05-640.

**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.

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Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.





April Fisher, AICP  
[fisherpds@outlook.com](mailto:fisherpds@outlook.com)  
407-494-8789

February 14, 2019

**Variance Application:** 2218 Hoffner Avenue

**Applicant Request:** 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 24-foot long by 4 feet high white vinyl fence in the front yard of a residential property to protect the drain field and to place a 57-foot long white vinyl fence down one side of the front yard (24 feet by 6 feet high and 35 feet by 4 feet high), submitted by applicant Darren West, located at 2218 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel #18-23-30-8856-05-640.

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

#### **Review Comments**

This application seeks a variance to allow a fence in the front yard. The code expressly prohibits fences or walls in the front yard of a property. The applicant constructed the fence prior to receiving a permit unaware that a permit was needed. A variance is required before the wall can receive a building permit.

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

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

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

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

#### **Staff Recommendation**

Based on the applicant's identification that protection of the septic drain field from vehicle encroachment located in the front yard and maintenance line with the adjacent property are primary issues for installing the fence in the front yard and front side yard, staff recommends approval of the requested variance. These items identified are consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) and the required criteria in Sec. 42-64 (1).

darrenwest@sky.com

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: 28 JANUARY 2019

P&Z CASE #: 2019-01-034

VARIANCE  SPECIAL EXCEPTION  OTHER

DATE OF HEARING: \_\_\_\_\_

APPLICANT: MR DARREN C WEST

OWNER: MRS CHRISTINA S WEST

ADDRESS: 2218 HOPFNER AVENUE  
BELLE ISLE, FL 32809

2218 HOPFNER AVENUE,  
BELLE ISLE, FL 32809.

PHONE: 407 427 9846

407 271 6962

PARCEL TAX ID #: 18-23-30-9856-05-640

LAND USE CLASSIFICATION: 0131-S/A ZONING DISTRICT: R-1-A

DETAILED VARIANCE REQUEST: TO CONSTRUCT A 24 FT LONG x 4 FT HIGH  
WHITE VINYL FENCE IN FRONT YARD TO PROTECT DRAIN FIELD AND  
TO CONSTRUCT A 57 FT LONG WHITE VINYL FENCE DOWN ONE  
SIDE OF FRONT YARD (24 FT x 6 FT HIGH + 33 FT x 4 FT HIGH) TO PROTECT DRIVEWAY.

SECTION OF CODE VARIANCE REQUESTED ON: 50-102(b) and 42-64

The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board 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.

Darren West  
APPLICANT'S SIGNATURE

Darren West (SEE POWER OF ATTORNEY)  
OWNER'S SIGNATURE

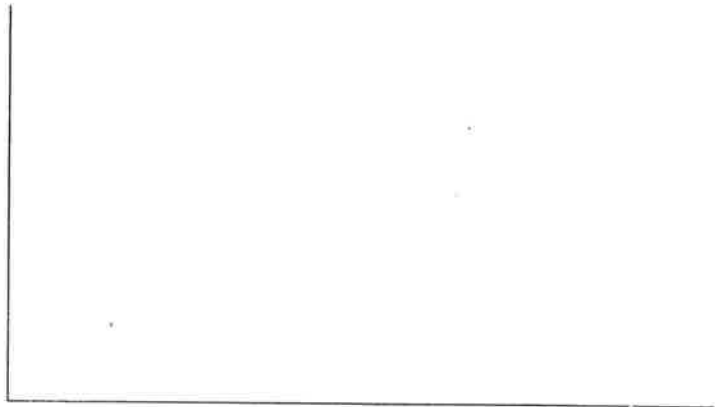
FOR OFFICE USE ONLY:	FEE: \$150.00	1/28/19	CASH	Hwp
		Date Paid	Check/Cash	Rec'd By
Determination _____				
Appealed to City Council: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Action: _____				

This instrument prepared by:

Name: **Brenda J. McCloud**  
**Total Title Solutions, Inc.**  
Address: **8 Broadway Avenue, Suite B**  
**Kissimmee, FL 34741**

Return to: **Total Title Solutions, Inc.**  
**FILE NO. 10-0017B**  
Address: **8 Broadway Avenue, Suite B**  
**Kissimmee, FL 34741**

Property Appraisers Parcel Identification Number(s):  
**18-23-30-8856-05640**



**THIS WARRANTY DEED** Made the 5th day of February, 2011 by Brandon Fies, a single man whose post office address is 2218 Hoffner Avenue, Orlando, FL 32809, hereinafter called the grantor, to Christina S. Penning whose post office address is , hereinafter called the grantee:

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

**WITNESSETH**, that the grantor, for and in consideration of the sum \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in **ORANGE** County, State of **FLORIDA**, viz:

**Lots 64 and 65, Block E, Venetian Gardens, according to the Plat thereof as recorded in Plat Book L, Page 25, Public Records of Orange County, Florida.**

Property address is currently known as: **2218 Hoffner Avenue, Orlando, FL 32809**

**Together**, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.

**To Have and to Hold**, the same in fee simple forever.

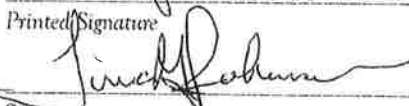
**And** the grantor hereby covenants with the grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2010. **FURTHER SUBJECT TO** restrictions, reservations, covenants and easements of record, if any, however this reference shall not operate to reimpose same.

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

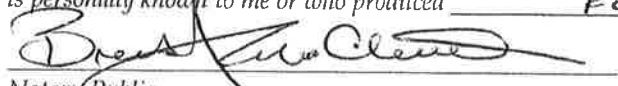
  
Signature  
**Brenda J. McCloud**

  
Brandon Fies

Printed Signature  
  
Signature  
**Tina de Johnson**

Printed Signature  
STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of February, 2011 by **Brandon Fies, a single man**, who is personally known to me or who produced FLDC as identification and who did/did not take an oath.

  
Notary Public  
My Commission Expires: 1-24-2015



**BRENDA J. MCCLLOUD**  
MY COMMISSION # **EE 051750**  
**EXPIRES: January 26, 2015**  
Bonded Thru Budget Notary Services

**SPECIAL POWER OF ATTORNEY**

**PREAMBLE:** *This is a **MILITARY POWER OF ATTORNEY** prepared pursuant to Title 10, United States Code, § 1044b, and executed by a person authorized to receive legal assistance from the military services. Federal law exempts this power of attorney from any requirement of form, substance, formality, or recording that is prescribed for powers of attorney by the laws of a state, the District of Columbia, or a territory, commonwealth, or possession of the United States. Federal law specifies that this power of attorney shall be given the same legal effect as a power of attorney prepared and executed in accordance with the laws of the jurisdiction where it is presented.*

**KNOW ALL PERSONS BY THESE PRESENTS:**

That I, **Christina West**, whose address is 2218 Hoffner Avenue, Belle Isle, FL 32809, by this document do make and appoint my husband Darren C. West, also residing at 2218 Hoffner Avenue, Belle Isle, FL 32809, as my true and lawful attorney-in-fact to do and execute (or to act with persons jointly interested with myself therein in the doing or execution of) any or all of the following acts or things:

[Initial CW] To do any and all acts necessary or appropriate to maintain, lease, evict, authorize repairs, insure, pay taxes, conduct general maintenance, make general inquiries, and enforce any and all lawful rights and claims I may have on the dwellings I own under my maiden name of Christina Penning, located at: 2218 Hoffner Avenue, Belle Isle, FL 32809.

**I HEREBY GIVE AND GRANT TO** my said attorney-in-fact full power and authority to perform every act and thing whatsoever that is necessary or appropriate to accomplish the purposes for which this Power of Attorney is granted, as fully and effectually as I could do if I were present; and I hereby ratify all that my said attorney-in-fact shall lawfully do or cause to be done by virtue of this document.

**PROVIDED**, however, that all business transacted hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by my said attorney-in-fact for the purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney-in-fact and the designation "attorney-in-fact."

**FURTHER**, this power of attorney shall remain in full force and effect until **July 29, 2019**, unless sooner revoked by me. To induce any third party to act hereunder, I hereby agree that any third party receiving a duly executed copy or facsimile of this power of attorney may act hereunder, and that revocation or termination hereof shall be ineffective as to such third party unless and until actual notice or knowledge of such revocation or partial or complete termination of this power of attorney by adjudication of incapacity, suspension by initiation of proceedings to determine incapacity, or my death shall have been received by such third party in accordance with the requirements of law. I, for myself and my heirs, executors, legal representatives and assigns, hereby agree to indemnify and hold harmless any such third party from and against any and all claims that may arise against such third party by reason of such third party having relied upon the provisions of this power of attorney.

This **DURABLE POWER OF ATTORNEY** shall not be affected by my subsequent disability or incapacity, and that notwithstanding any termination date herein, or lapse of time, and that in the event of my subsequent disability or incapacity prior to the expiration or revocation of this power of attorney,

it shall not terminate but shall be extended as long as I remain in that status. It is my intent that the authority conferred herein shall be exercisable notwithstanding my physical disability or mental incapacity or incompetence.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal on this day, **21st day of July, 2018**.

*Christina West*

**Christina West**

WITNESSED:

*[Signature]*  
PRINT NAME: LNC Karen Ray  
Department of the Navy  
Navy Personnel Command (PERS-312F)  
5720 Integrity Drive  
Millington, TN 38055-3130

*[Signature]*  
PRINT NAME: LCDR Mitchell D. Eisenberg, JAGC  
Department of the Navy  
Navy Personnel Command (PERS-312F)  
5720 Integrity Drive  
Millington, TN 38055-3130

**ACKNOWLEDGEMENT**

WITH THE UNITED STATES ARMED FORCES AT  
NAVY OPERATIONAL SUPPORT CENTER, MIAMI, FLORIDA, SS.:

The foregoing instrument was acknowledged before me, and the above-named witnesses, on the **21st day of July, 2018**, by **Christina West**, who produced a Uniformed Services Identification Card for identification. I do further certify that I am a person in the service of the U.S. Armed Forces authorized the general powers of a notary public under Title 10 U.S.C. 1044a and JAGMAN Chapter IX.

NO SEAL REQUIRED

*N. F. Smith*  
Nicholas F. Smith, LCDR, JAGC, USN

# SWERDLOFF & FERRY SURVEYING, INC.

370 Weymouth Court • Lake Mary, FL 32746 • Voice 407.688.7631 • Fax 407.688.7691

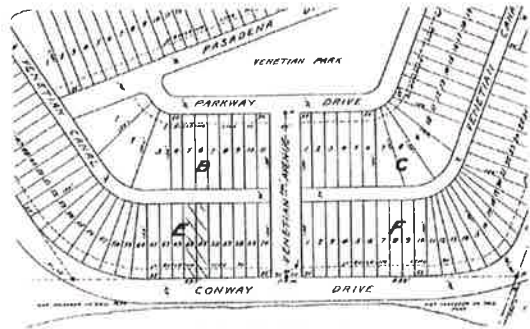
## Legal Description

Lots 64 and 65, Block E, MAP OF VENETIAN GARDENS, according to the plat thereof, as recorded in Plat Book L, Page(s) 25, of the Public Records of Orange County, FL.

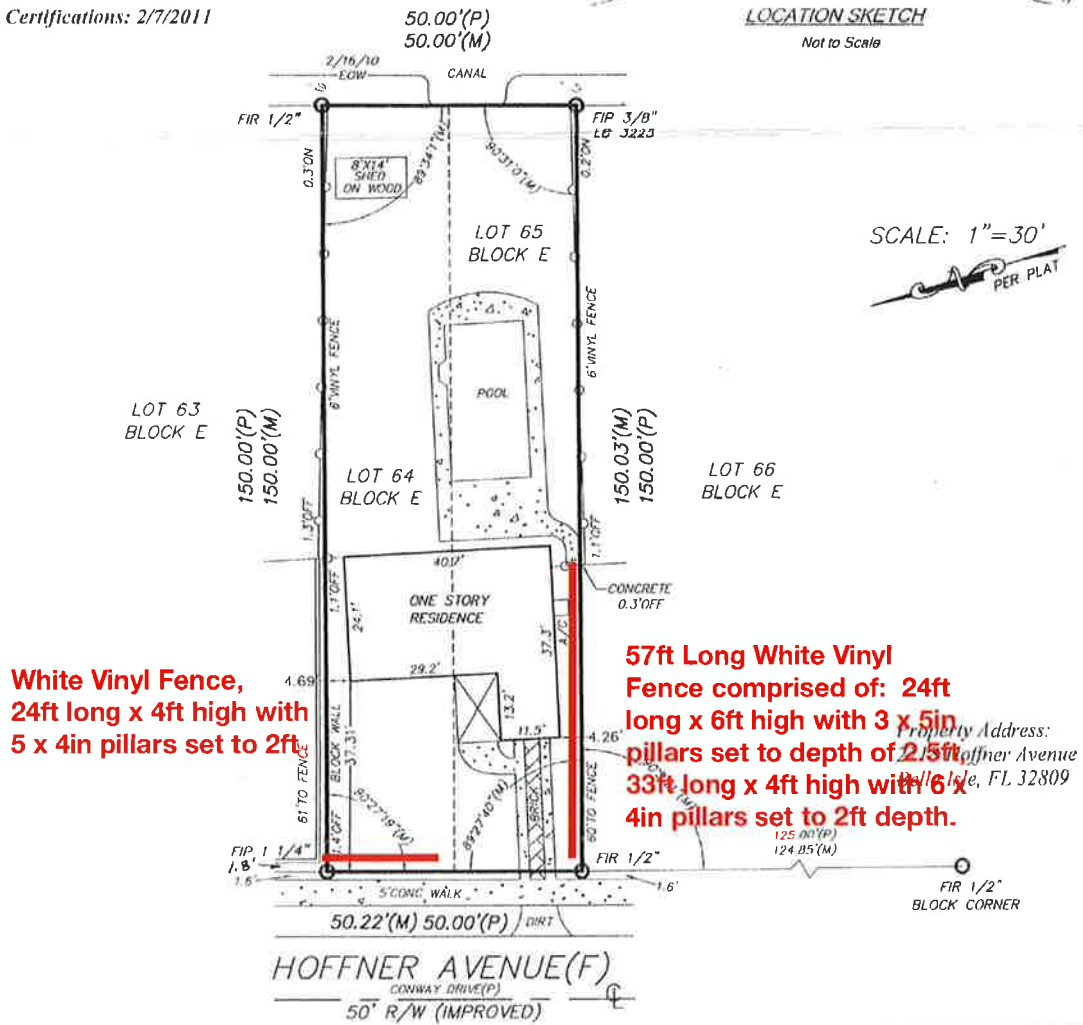
Community number: 120181 Panel: 0430  
 Suffix: F F.I.R.M. Date: 9/25/2009 Flood Zone: X  
 Date of field work: 2/16/2010 Completion Date: 2/26/2010

Certified to:  
 Christina S. Penning; Total Title Solutions, Inc.; Old Republic National Title Insurance Company.

Revised Certifications: 2/7/2011



LOCATION SKETCH  
Not to Scale



Survey number: SL 1083

## VARIANCE APPLICATION: 2218 HOFFNER AVENUE - Building of 2 x Fences

1. This is the supporting justification to the variance to build two fences at 2218 Hoffner Avenue in contravention of City of Belle Isle Code Section 50-102 (b) and Section 42-64.

2. It should be noted that the building of the two fences are in conjunction with a full renovation of the front yard/driveway and side of house areas after years of neglect by previous owners and renters. It was not known by Mr West (from the UK) that there were conditions precluding the building of fences; the fences were built in October and November 2018. Mrs West is currently serving with the US Navy overseas and has approved the work being done by her husband on the property. The Power of Attorney (enclosed) supports this.

3. The following issues were prevalent before the renovation. *Those items in italics directly relate to the construction of the fence:*

a. *Sec 42-64(1)d* The previous owners had laid pavers over the top of the septic tank drain field and allowed the pavers to become loose, broken and for weeds bushes and grass to cover the majority of the front yard. Mr West removed the pavers (see photo1), a new drain field fitted by contractors and the area over the top of the drain field and septic tank committed to a grass, (see photo 2 - the vehicle in the background is for scale as opposed to illustrate parking on the driveway). The whole of the property was re-painted and stonework re-done by Mr West.

*Sec 42-64(1)d* b. A decorative 5ft long wall which was mounted on a large concrete plinth had to be removed as the plinth was actually covering part of the drain field. The decorative wall did not do what it was intended to do; which was to stop non-residents/visitors parking on the area over the drain field to access other properties, or to turn around. Additionally, the wall had very little effect in blocking out the noise of traffic from a busy road. The front of the plot is 50ft wide, so there was still over 40ft of access space from the road. *The 24ft fence across the front of the property precludes people from driving on to and damaging the drain field. It has also noticeably blocked some of the noise from traffic.* Of note, in building both the 24ft and the 57ft long fences, old rotten post stumps (following a similar footprint to the new fences) been unearthed, (see photo 3). It is believed the fences were probably taken down when the additional driveway pavers and decorative wall were built.

c. Several tonnes of earth which had amassed over several decades of decaying leaf build up was sifted and removed so that buried pavers and gravel could be recycled to be re-used elsewhere on the property. The level of earth was about 6in higher than the base level of the original driveway, (see photo 4). Previously, the garage and walkway to the house would be flooded every time there was a period of heavy rainfall. *Both the 57ft side fence and the 24ft front fence restricts the amount of leaves and rubbish collecting in the front yard. In*

*particular, the 57ft fence prevents the now higher level of earth and leaves from the next door (2204 Hoffner) from blowing on to or washing up on to 2218 Hoffner (see photo 5).*

d. Electrical service and telecommunication wires fed into the house walls of both 2218 Hoffner and 2204 Hoffner were a little unsightly. *The 6ft high section (24ft long) of the 57ft long side fence 'hides' the sides of each house from view from passers-by. The fences also allow enough access room to the electrical/telecommunication services which a hedge or wall would not (see photo 5).*

e. With no visible boundary between 2204 and 2218 Hoffner, it became a bit of a 'no-mans land' which meant that no previous residents would take responsibility for the build up of weeds, leaves and earth on both the properties. *The continued 4ft high section (33ft long) of the 57ft long side fence 'makes better neighbors'. The neighbors at 2204 Hoffner are also happy with the fence in that it delineates the two properties at the same time as being a feature which facilitates both neighbors of engaging in conversation over the fence.*

f. Overall, prior to the renovation of the front yard of 2218 Hoffner, the overgrown and unkempt property was viewed with distain by neighbors and passers-by. *Of all the improvements to the front of the property, it is both the new fences which have received the most favorable and 'wow what an improvement' comments. These come not just from neighbors but also from people driving past when they have to slow down or stop behind the trash trucks. Both white fences are aesthetic and complimentary to the properties and other boundary separation constructions in the area, (see photos 7 and 8). It is believed that Wall construction would be too sizable and expensive to build. Hedges would not be suitable either as these would take a long time to establish, would require more maintenance, not block traffic noise and would not prevent leaf build up in the front yard.*



**Supporting Photo justification.**

Where the photos are taken from, and the direction they are facing, are shown on the plot plan.



Photo 1: Paver Bricks removed to be recycled.



Photo 2: Broken and Loose Pavers, Overgrown and showing 5 ft wall.



Photo 3: One of old fence buried stumps.



Photo 4: Example of earth sifted to a depth of 6+inches





Photo 5: Fence preventing higher level of earth in 2204 front yard coming into 2218.



Photo 6: Electrical Services and Telecommunication wires hidden by 6ft high section.



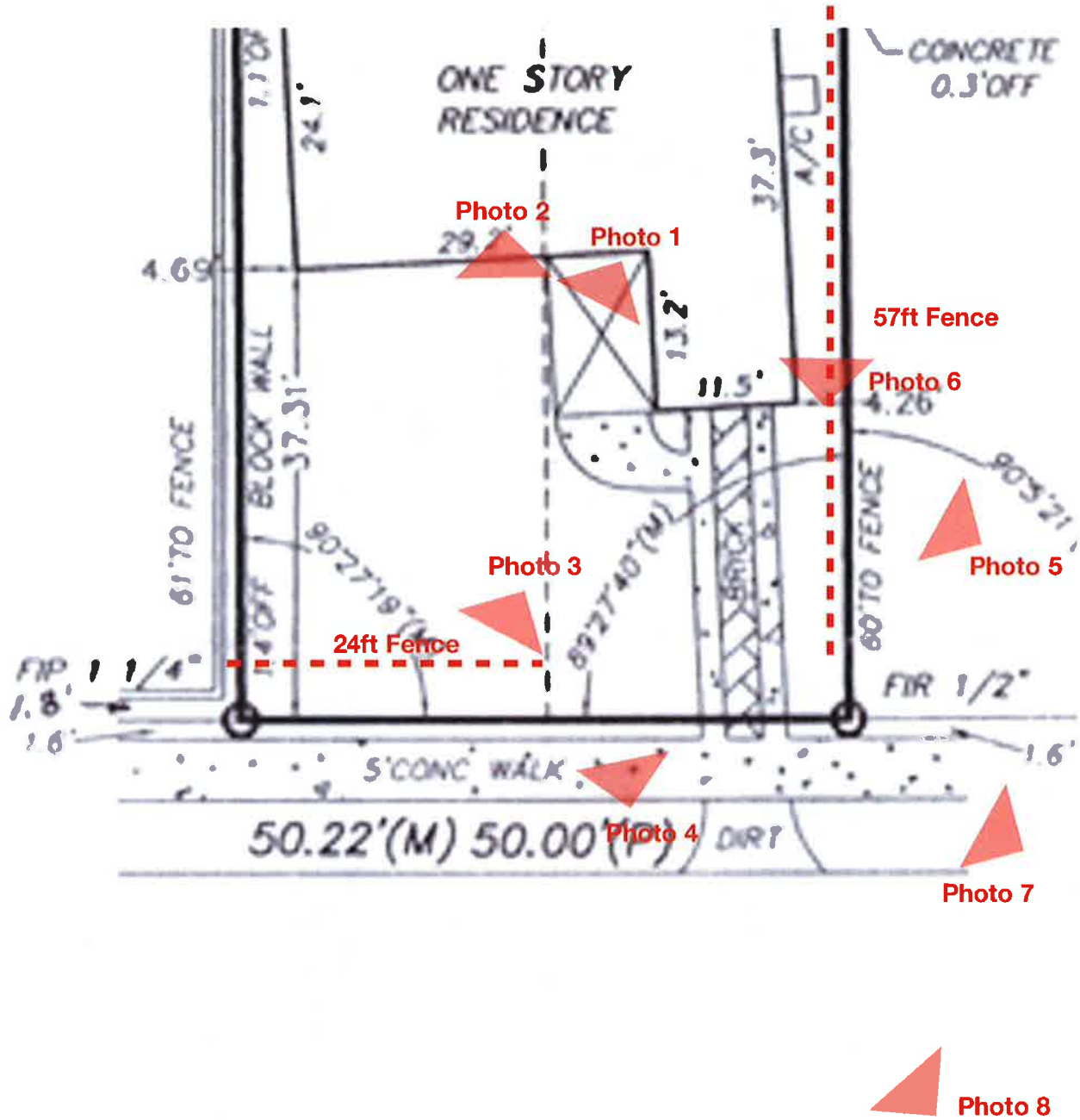
Photo 7: Aesthetic and complimentary look of fence.

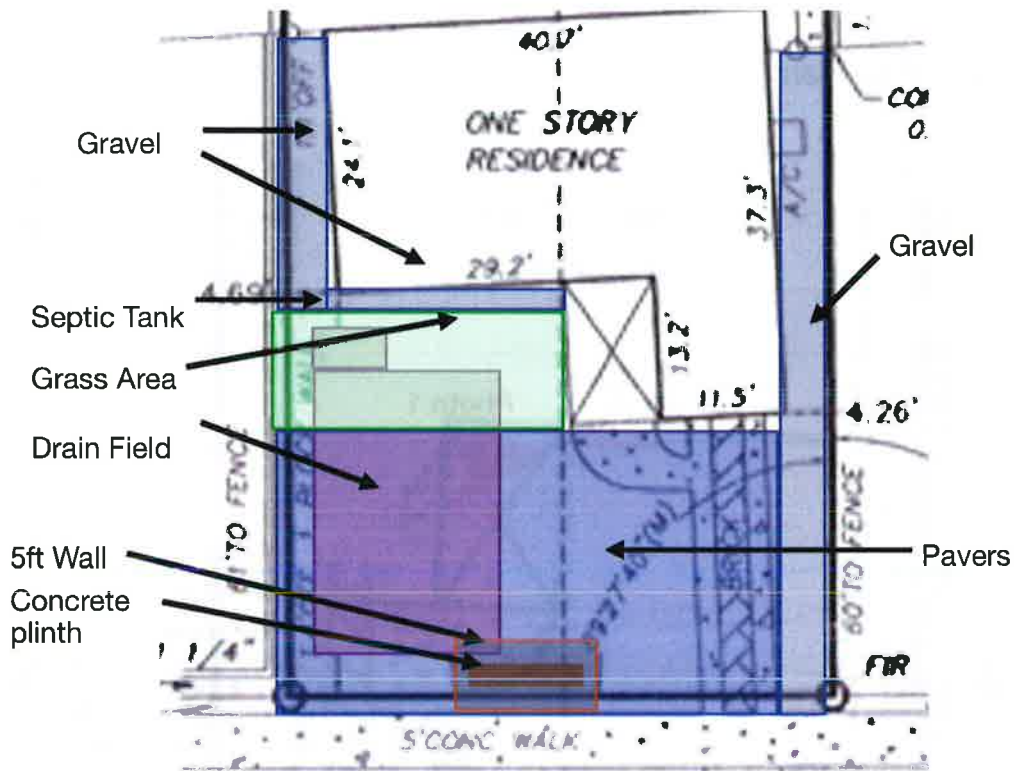


Photo 8: Aesthetic look of fence at night.

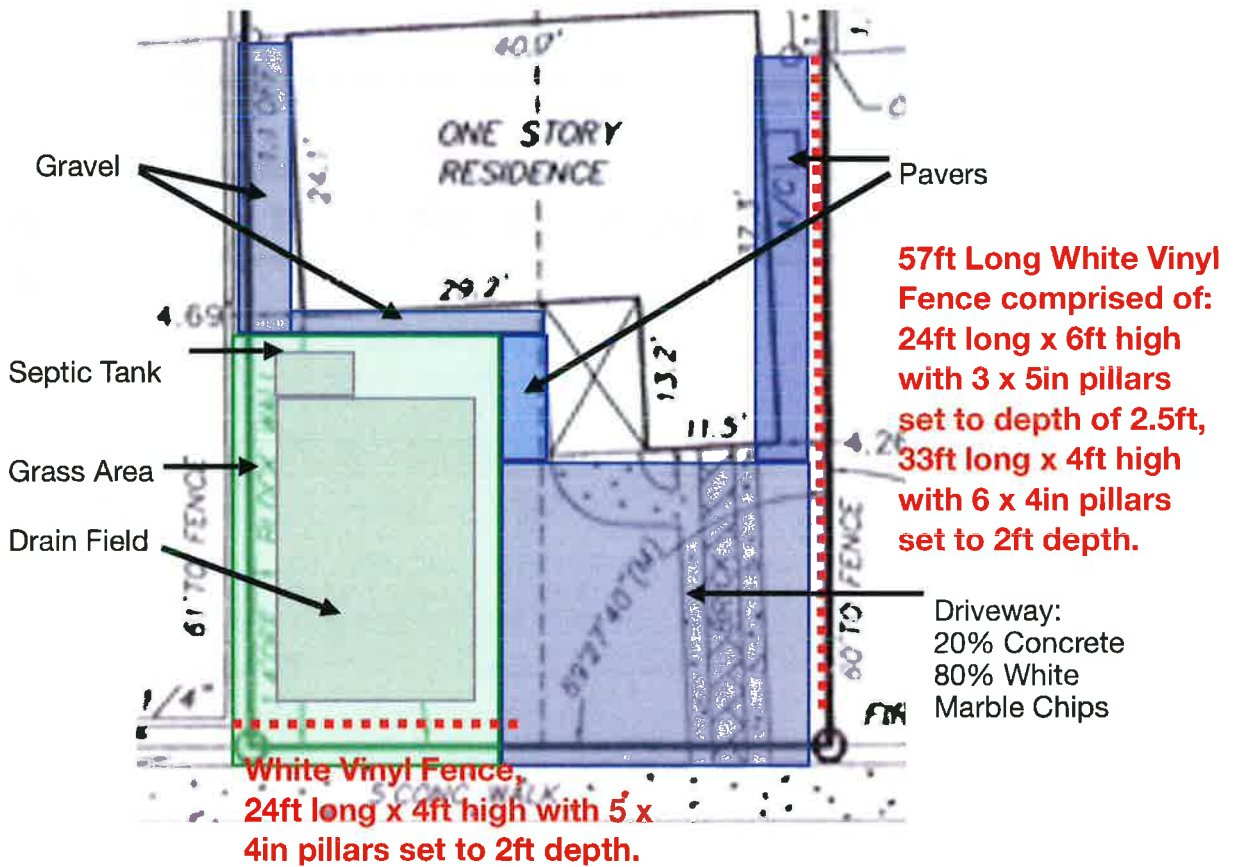


Photos shown on Plot Plan





**2218 Hoffner - Before Renovation and Fence Construction**



**2218 Hoffner - After Renovation and Fence Construction**

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

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

### **February 19, 2019 - Continuance Request**

- Meeting the requirements of the Planning and Zoning Board following the last meeting took a little more time than we anticipated. For this reason, the applicant apologizes to the Board for the delay and would like to kindly request a continuance from the Feb 26<sup>th</sup> meeting to the March 26<sup>th</sup> meeting.
- I have copied Ms. Yolanda Quiceno to make this formal request in writing on behalf of the Applicant.

### **Security Camera**

- The applicant has coordinated to get two quotes from security camera systems from security companies. As requested by the Board, the applicant commits to installing a security camera system as part of the renovation project as construction crews will be mobilized at that time and better able to extend wires, etc.

### **Extended Stay Definition**

- I obtained a definition of an extended-stay hotel from the America Planning Association (APA) as follows: “Any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves, and ovens. (Norcross, Ga.)”
- The Applicant indicated that he wants to make clear, again, that he does not plan to have an extended stay brand at this hotel. However, most regular/normal hotel brands are franchises and have specific requirements for each room, including but not limited to, paint color, carpet type and color, style of headboard, style of light fixture, style of door lock, color of vanity, type of mirror, etc. Amongst the franchise requirements most hotel brands require a mini fridge, microwave and a shared small hotel laundry room be provided. These items are considered guest convenience items. The Applicant would like to make it clear that his inclusion of a fridge, microwave and shared laundry room is not to blur the lines and encourage extended stay but to make his hotel conforming so he can attract a regular/normal hotel franchise.

### **Closure of fence**

- The applicant has obtained a contractor proposal to repair the chain link fence. However, his preference is to put in a nicer fence as part of the renovation project since he is spending a lot of money on the overall renovation. So rather than fix the chain link fence and then replace it later on, the Applicant is willing to make this a commitment as part to the renovation project.

### **Parking**

- TPD will provide this ahead of the deadline.

### **Deadline**

- April, please let us know your deadline for document submittal in order for this project to be placed on the March 26<sup>th</sup> Planning and Zoning Board meeting agenda.