
NOTICE OF PUBLIC MEETING
July 23, 2019- 6:30 PM

CITY OF BELLE ISLE
PLANNING AND ZONING BOARD REGULAR SESSION

1. Call to Order, Confirmation of Quorum and Pledge to the Flag
2. Approval of the June 25, 2019 minutes
3. Public Hearing Case#2019-07-002 – Pursuant to Belle Isle Code Sec. 42-63 and SEC. 54-75 (c) (5) the Board shall consider and take action on a requested special exception to allow conversion of a previously permitted storage shed to become what the land development code defines as a guest cottage on a single-family residential property with a primary detached single-family dwelling, submitted by applicant josh brown, located at 2705 Nela Avenue, Belle Isle, FL 32809 also known as Parcel # 19-23-30-5888-03-060.
4. Public Hearing Case #2019-07-020- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a six-foot high fence with gate in the front yard of a residential property, submitted by applicant Peter Clarke, located at 7600 Daetwyler Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-8036-02-010.
5. OTHER BUSINESS - Discussion on Land Development Code Changes (continued)
-Draft language for fence/wall overlay regulations
6. Adjournment

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



City of Belle Isle Planning & Zoning Board Regular Session Minutes June 25, 2019 – 6:30 pm

Dan Langley City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Shawn Jervis District 3	Randy Holihan Chairman District 4	Rainey Lane District 5	Russell Cheezum District 6	Leonard Hobbs District 7
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On Tuesday, June 25, 2019, the Belle Isle Planning & Zoning Board met in a regular session at 6:30 pm in the Belle Isle City Hall Council Chambers.

Present was Chairman Holihan, Vice Chairman Woods, Board member Lane, and Board member Hobbs.

Also present was Attorney Geller, City Manager Francis, City Planner April Fisher and Admin Asst Heidi Peacock.

Absent were Attorney Langley, Board member Cheezum, Board Member Jarvis, and Board member Shenefelt.

1. Call to Order

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

Chairman Holihan called for a motion to excuse Board members, Jarvis, Cheezum and Shenefelt.

Board member Lane motioned to excuse Board members, Jarvis, Cheezum and Shenefelt absence for tonight’s meeting. Board member Hobbs seconded the motion which passed 4:3.

City Manager Francis reported that Board member Cheezum is moving out of his district and will be resigning in short order. The Council will be looking for a new board member for District 6.

2. Approval of May 28, 2019 minutes

Board member Rainey motioned to approve the minutes of May 28, 2019, as presented.

Vice Chairman Woods seconded the motion which passed 4:3.

3. PUBLIC HEARING CASE #2019-05-049

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 LECHONERA SAJOMA, LOCATED AT 1919 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL # 30-23-30-0000-00-017.

Chairman Holihan opened public hearing 2019-05-049.

April Fisher, City Planner, said the case is a proposed site plan to reuse the currently developed site with a vacant building that was formerly a gas station/patio store. The applicant is proposing to utilize the site as a restaurant.

The Code requires a site plan approval before pulling a building permit to retrofit the interior of the building. They will be creating a temporary outdoor seating plan and currently meet the parking requirements of the code. The Code does not require any modifications for landscaping; however, the applicant was advised that they will need to update the landscaping because it is currently failing.

The applicant has taken the initiative to upgrade the landscaping on the site. April Fisher is recommending approval of the proposed site plan with the following conditions as follows,

1. A separate dumpster permit shall be required as part of the building permit process if the current dumpster facilities are being replaced/changes or do not comply with code; or, the applicant may submit a certification that the existing dumpster facilities comply with the code.
2. The restaurant shall maintain landscape enhancements.
3. If any additional outside lighting is ever needed, a lighting plan with foot-candle information shall be required as part of the building permit application process to ensure no light pollution occurs onto adjacent residential properties.
4. A separate sign permit application is required.

Alex Estevez, an applicant with offices at 1919 McCoy Rd, said they are looking to open an international food buffet-style restaurant with limited outside seating. He feels that the restaurant will benefit the residents and the visitors in with compatible priced home cooking rather than the surrounding fast food business in the area.

Vice Chairman Woods asked for clarification on the proposed parking for employees. Mr. Estevez said there is a 30-foot concrete slab in the back of the building that he would like to designate for employees down the road. Vice Chairman Woods noted to make that work he will need a 14-foot driveway (one way) which will not leave much room for maneuvering a vehicle.

Vice Chairman Woods further addressed the parking configuration and would like to see a striping plan designating before approval.

Chairman Holihan shared his concern with the outside seating and asked if it code addresses this issue. Ms. Fisher said the code is dated and silent to an outside seating situation. Chairman Holihan said his concern is approving the plan and ignoring the realistic number of spaces required for indoor and outdoor seating. Chairman Holihan said the Board might consider a condition to initially limit to a certain number of seats. April Fisher agreed with the condition.

Chairman Holihan asked since the applicant is not changing the inside of the building does it change the retention pond requirements. April Fisher said no.

Chairman Holihan closed board discussion and opened for public comment.

- Anna Marie Fiola residing at 2493 Trentwood Blvd shared asked the new business will sell alcohol and if they close at night. The applicant said they will not be selling alcohol and are open from 7am-7pm.

There is no further question; Chairman Holihan closed the public comment section.

Vice Chairman Woods asked for the section of the Code regarding parking vs. seating. Ms. Fisher said reference to the seating can be found in Section 50-72.

Board member Hobbs said the Board might want to require additional parking spaces based upon the outdoor seating. Discussion ensued.

Mr. Esteves asked on how the Board calculates parking if the service is mostly taken out. April Fisher said if the Code does not delineate a separate calculation for carry-out, then it will be calculated on the proposed seating and area that the code identifies.

Vice Chairman Woods moved the criteria of Section 54-79(f)(4) of the Belle Isle Development having been met to approve the proposed development site plan application under the following conditions,

- 1. Remove the reference on the site plan to the employee parking lot**
- 2. Provide a striping plan illustrating the required number of parking spaces.**
- 3. The applicant will represent that they will not sell alcohol and are open from 7-7pm**
- 4. Landscaping according to the Code in place at the time of the initial development of the site in 2004**
- 5. The restaurant shall maintain landscaping**
- 6. Any outdoor lighting plan must be submitted and approve by the City**
- 7. Require a separate Dumpster permit**
- 8. Require a separate Sign Permit**

April Fisher asked if the Board would like the applicant to come back before the Board or if they will allow the applicant to submit the required conditions to the staff for review and approval to move forward.

Board member Lane seconded the motion which passed 4:3.

4. Discussion on Land Development Changes – Fences, walls, and perimeter buffering

April Fisher gave a brief overview of proposed code language for overlays, fences, and wall to allow an administrative format to allow applications in the front yard on properties on Seminole Drive and Hoffner Avenue, as follows,

Fences on Hoffner Avenue or Seminole Drive. A fence, wall, or other structure in the nature of a fence, up to four feet in height, may be located within the required front yard setback on the residential property having frontage on Hoffner Avenue or Seminole Drive, provided that the fence complies with the following:

- a. Fences shall be located on private property, no closer than five feet from the edge of the sidewalk nearest the house;
- b. Structural and decorative posts or columns, not exceeding six feet in height or eighteen inches in width, and spaced no closer than six feet apart, from the center to center shall be permitted;
- c. The color, material, and design of the fence shall be compatible with the architecture of the dwelling unit on the property;
- d. Any screen landscaping and associated irrigation shall be installed and maintained on the street side of the fence;
- e. Gates, when in an open position, shall not block the sight distance of the abutting public street, walk, or right-of-way.

An additional consideration is that for lots with a depth greater than the specified number of feet (such as 450 feet); the fence must be no closer than sixteen feet from the edge of the sidewalk nearest the house. This could prevent a possible tunnel of wall effect if the fence/wall were to be placed closer to the street.

After discussion, Vice Chairman Woods motioned to table the discussion to the next scheduled meeting. Board member Lane seconded the motion which passed 4:3.

5. ADJOURNED

There being no further business Chairman Holihan adjourned the meeting at 7:45 pm.

Yolanda Quiceno
City Clerk, CMC

NOTICE OF PUBLIC MEETING

JULY 23, 2019 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 3 MEMORANDUM

TO: Planning and Zoning Board

DATE: July 23, 2019

PUBLIC HEARING CASE #2019-07-002

PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-75 (c) (5) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW CONVERSION OF A PREVIOUSLY PERMITTED STORAGE SHED TO BECOME WHAT THE LAND DEVELOPMENT CODE DEFINES AS A GUEST COTTAGE ON A SINGLE-FAMILY RESIDENTIAL PROPERTY WITH A PRIMARY DETACHED SINGLE-FAMILY DWELLING, SUBMITTED BY APPLICANT JOSH BROWN, LOCATED AT 2705 NELA AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 19-23-30-5888-03-060.

Background:

1. On June 19, 2019, Josh Brown submitted the application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, July 13, 2019, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, July 11, 2019.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, the criteria of Section 42-63 and 54-75 (c)(5) of the Belle Isle Land Development Code having been met TO APPROVE the SPECIAL EXCEPTION TO ALLOW CONVERSION OF A PREVIOUSLY PERMITTED STORAGE SHED TO BECOME WHAT THE LAND DEVELOPMENT CODE DEFINES AS A GUEST COTTAGE ON A SINGLE-FAMILY RESIDENTIAL PROPERTY WITH A PRIMARY DETACHED SINGLE-FAMILY DWELLING submitted by applicant JOSH BROWN, LOCATED AT 2705 NELA AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 19-23-30-5888-03-060.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code, Section 54-75(c)(5), having NOT been met; ***[use only if NONE of the justifying criteria have been met]*** the requirements of section 42-63, Subsections: ***[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED]*** having NOT been met; ***[may be used in addition to above or alone]*** TO DENY the proposed SPECIAL EXCEPTION TO ALLOW CONVERSION OF A PREVIOUSLY PERMITTED STORAGE SHED TO BECOME WHAT THE LAND DEVELOPMENT CODE DEFINES AS A GUEST COTTAGE ON A SINGLE-FAMILY RESIDENTIAL PROPERTY WITH A PRIMARY DETACHED SINGLE-FAMILY DWELLING submitted by applicant JOSH BROWN, LOCATED AT 2705 NELA AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 19-23-30-5888-03-060.

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

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

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

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

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



April Fisher, AICP
fisherpds@outlook.com
 407-494-8789

July 12, 2019

Special Exception Application: 2705 NELA AVENUE

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-75 (C) (5) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW CONVERSION OF A PREVIOUSLY PERMITTED STORAGE SHED TO BECOME WHAT THE LAND DEVELOPMENT CODE DEFINES AS A GUEST COTTAGE ON A SINGLE-FAMILY RESIDENTIAL PROPERTY WITH A PRIMARY DETACHED SINGLE-FAMILY DWELLING, SUBMITTED BY APPLICANT JOSH BROWN, LOCATED AT 2705 NELA AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 19-23-30-5888-03-060.

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

Review Comments

This application seeks a special exception as identified above. The property is currently developed with a primary single-family home and the accessory structure to be converted exists today on site. A shed structure/ utility room (the accessory structure to be converted) was permitted in 2014 by the City. The applicant is seeking to add air conditioning, and bathroom facilities to the structure. The kitchen facilities identified on the applicant's plan are not allowed by code. Storage sheds do not typically have these types of improvements but are used for the storage of lawn equipment and other supplies, because of this, the improvements to the existing structure redefine it as a guest cottage, therefore requiring a special exception process.

Please see the attached original plan approval documents. Beyond these documents, the City does not have details of the design of the originally permitted structure. It is difficult to determine, based on limited records, if what is built on the site currently conforms to the structure that was permitted in 2014. Storage sheds do not typically have concrete finished exteriors or a wall of windows in them, with an extended roof line.

The applicant has provided supporting documentation addressing the special exception criteria.

Staff Recommendation

Section 54-75 (C) (5) provides that a guest cottage (without a kitchen) may be permitted in a residential zoning district through the special exception process. The Code identifies that the Planning and Zoning Board will review special exception requests to determine whether the request would adversely affect the public interest and whether public health, safety, and welfare are promoted or improved.

Based on consideration of these review criteria staff recommends approval of the request subject

to the following conditions:

1. The guest cottage shall be used exclusively for housing members of the family occupying the principal building and their nonpaying guests, such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling;
2. The plans shall be revised to remove the kitchen facilities prior to submitting for building permitting;
3. The guest cottage must be maintained in a functional and aesthetically pleasing manner so as not to adversely impact the public interest; and,
4. Since the structure currently exists in a manner and materials different that what would normally be approved for a storage shed, the building permit application, survey, and plans must provide certification that all setbacks, maximum structure height, and size of the guest cottage structure meet code requirements as at the time originally permitted for an accessory building. Otherwise, a variance approval will be required for any deficiency before the building permit approval may be granted.

Additional Notes

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

A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

9-8-14 3.



City of Belle Isle
Universal Engineering Sciences 3532 Maggie Blvd., Orlando, FL 32811
Tel 407-581-8161 * Fax 407-581-0313 * www.universalengineering.com

REVISION APPLICATION

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Date: 9/4/14

Permit Number: 2014-07-003
Original Permit Number Issued

Contact Name Melanie Winters Phone: _____

Project Address 2705 Nela Avenue Belle Isle, FL 32809 32812

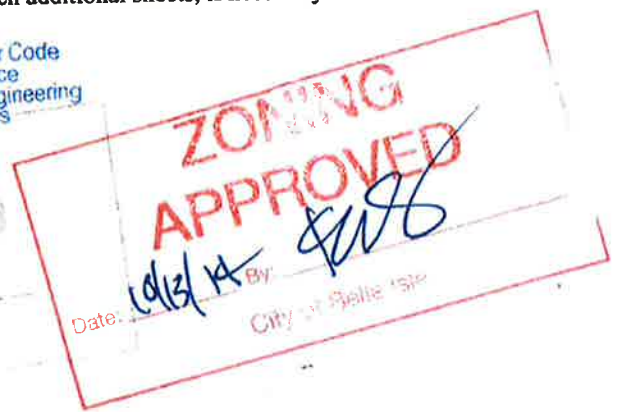
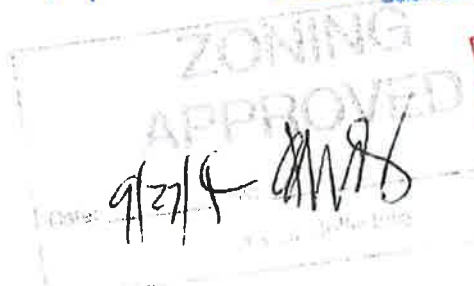
Nature of Change Addition of utility room, change of contractor

Change in Job Cost \$4500.00

Do revisions affect: Site Architectural Structural Mechanical Electrical Plumbing

Itemize below for each drawing specific proposed changes. Attach additional sheets, if necessary.

Examiner Approval: Angel Puez
10/27/2014



Date _____ Finalized/Inspected by: _____

Zoning = \$165.00
Fee: \$ 30.00 ✓195.00
Cash/Check #: 9188

Date Rec'd: 10-28-14

Rec'd By: [Signature]

To schedule an inspection please email your request to: BDscheduling@UniversalEngineering.com

CITY OF BELLE ISLE
Permit Application Review Sheet

Permit Number	2014-07-003	
Property Owner	Biswan	
Address	2705 Nela Ave	
Nature of Improvement	Revision	
Received Application	9-8-14	
Sent for Stormwater Review	9-19-14	revised plans 10-10-14
Stormwater Approved	9-27-14	10-13-14
Sent for Zoning Review	9-19-14	revised plans 10-10-14
Zoning Approved	9-27-14	10-13-14
Applied for Variance		
Variance Approved		
Sent to BO for Review	9-30-14	wo 42635
Building Official Approved	10/27/14	
Comments		
1.	9-8-14	cq emailed conts for ISR calcs
2.	9-16-14	cq recd ISR calcs + scheduled delivery to COBI
3.	9-30-14	cq plu zoning approved plans
4.	10-1-14	cq emailed Angela comments to conts
5.	10-9-14	cq recd revised plans + prod app; scheduled
6.		delivery to COBI for review. wo 43058
7.	10-17-14	cq recd Zoning approved plans; wo 43318
8.	10/27/2014	AP Plans not clear about addition of utility room.
9.	10-27-14	Susan Spoke w/ Melanie Winter Bros- Angela says have Architect
10.	10/27/14	AP Resolved w/ architect - Approved Revision
11.		
12.		



10/28/14

LAKE CONWAY RESIDENCE 2705 NELA AVE, BELL ISLE, FLORIDA

Revision-2
10/06/14

A110 - New storage shed, added details for sliding garage door. The foundation size is noted on the floor plan as (F1) and reinforcement is noted in the schedule.

A201 - Demo plan added the removal of the existing storage closet.

A210 - Floor plan adds reinforced CMU to the jamb of the new garage opening.

A215 - Foundation plan adds footing under the new CMU at the jamb of the new garage opening. Also a new footing adjacent to the existing fireplace has been added to address existing conditions.

A230 - Roof framing a new wood beam over the new garage opening has been added to replace the existing wood beam in this location to address existing conditions.

A401 - Section & details indicates new joist sistered to existing roof joists in living room and built up beam connection detail to address conditions found in existing roof joists in this area. Also a revised eave detail 14 has been added to enable larger door frame size at rear of house.

2705 Nela Ave

Impervious Surface Ratio Worksheet
Development Zoned A-1, A-2, R-1-AAA, R-1-AA, R-1-A, R-1 per
City Code, Section 50-74: Impervious Surface Ratio

received
9-16-14

1. Total Lot Area (sqft) X 0.35 = Allowable Impervious Area (BASE).

Total Lot Area 16,328 X 0.35=

Allowable Impervious Area (BASE) 5,715

2. Calculate the "proposed" impervious area on the lot. This includes the sum of all areas that do not allow direct percolation of rainwater. *Examples include house, pool, deck, driveway, accessory building, etc*

• House 2,669

• Driveway 1,290

• Walkway 169

• Accessory Buildings 300 (proposed)

• Pool & Spa _____

• Deck & Patio 347

• Other _____

Actual Impervious Area (AIA) 4,775

3. If AIA is less than BASE, subtract AIA from BASE to determine the amount of impervious area that may be added without providing onsite retention.

4. If AIA is greater than BASE, then onsite retention must be provided.

Assuming 7.5 inches of rainfall based on a 24hr 10 year Rain Event (TP40), the formula is: (7.5 inches rainfall/12 inches p/foot) X (result from line 4) = cubic feet of storage volume needed

Received
10-9-14

3.



City of Belle Isle
 Universal Engineering Sciences 3532 Maggie Blvd., Orlando, FL 32811
 Tel 407-581-8161 * Fax 407-581-0313 * www.universalengineering.com

Product Approval Form

DATE: 10/6/14

PERMIT # 2014-07-003

PROJECT ADDRESS 2205 Nela Ave, Belle Isle, FL 32809 32812

As required by Florida Statue 553.842 and Florida Administrative Code 9B-72m, please provide the information and approval numbers of the building components listed below if they will be utilized on the building or structure. FL Approved products are listed online at www.floridabuilding.org or can be obtained from the local product supplier. The following information must be turned in with permit application and available onsite for inspections:

1. This Product Approval Cover Sheet
2. Internet screen from FloridaBuilding.org showing PA#, approval and code edition stamped
3. Manufacturer's installation details from FloridaBuilding.org and requirements for each product stamped

Product Type	Manufacturer	Model/Series	FL Product Approval #	Product Type	Manufacturer	Model/Series	FL Product Approval #
EXTERIOR DOORS				WALL PANELS			
Swinging				Sliding			
Sliding				Soffits			
Sectional/Rollup				Storefront			
Other				Glass Block			
				Other			
WINDOWS				ROOFING PRODUCTS			
Single/DbI Hung				Asphalt Shingles			
Horizontal Slider				Non Struct Metal	Millennium	M Seam	FL521-R4
Casement	PGT	CA440	FL330-R11	Roofing Tiles			
Fixed				Single Ply Roof			
Mullion				Other			
Skylights							
Other							
STRUCTURAL COMPONENTS				OTHER			
Wood Connectors							
Wood Anchors							
Truss Plates							
Insulation Forms							
Lintels							
Other							

It is the applicant's responsibility to verify that specific products have been installed in accordance with their limitations and with the minimum required design pressures for the structure. Specific compliance will be verified during field inspections.

Applicant Signature [Signature]

Date 10/8/14

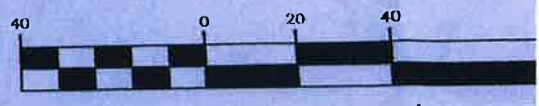
85.9 CONTOUR PER
NAVD 1988 DATUM
86.9 CONTOUR PER
NGVD 1929 DATUM

LAKE
CONWAY

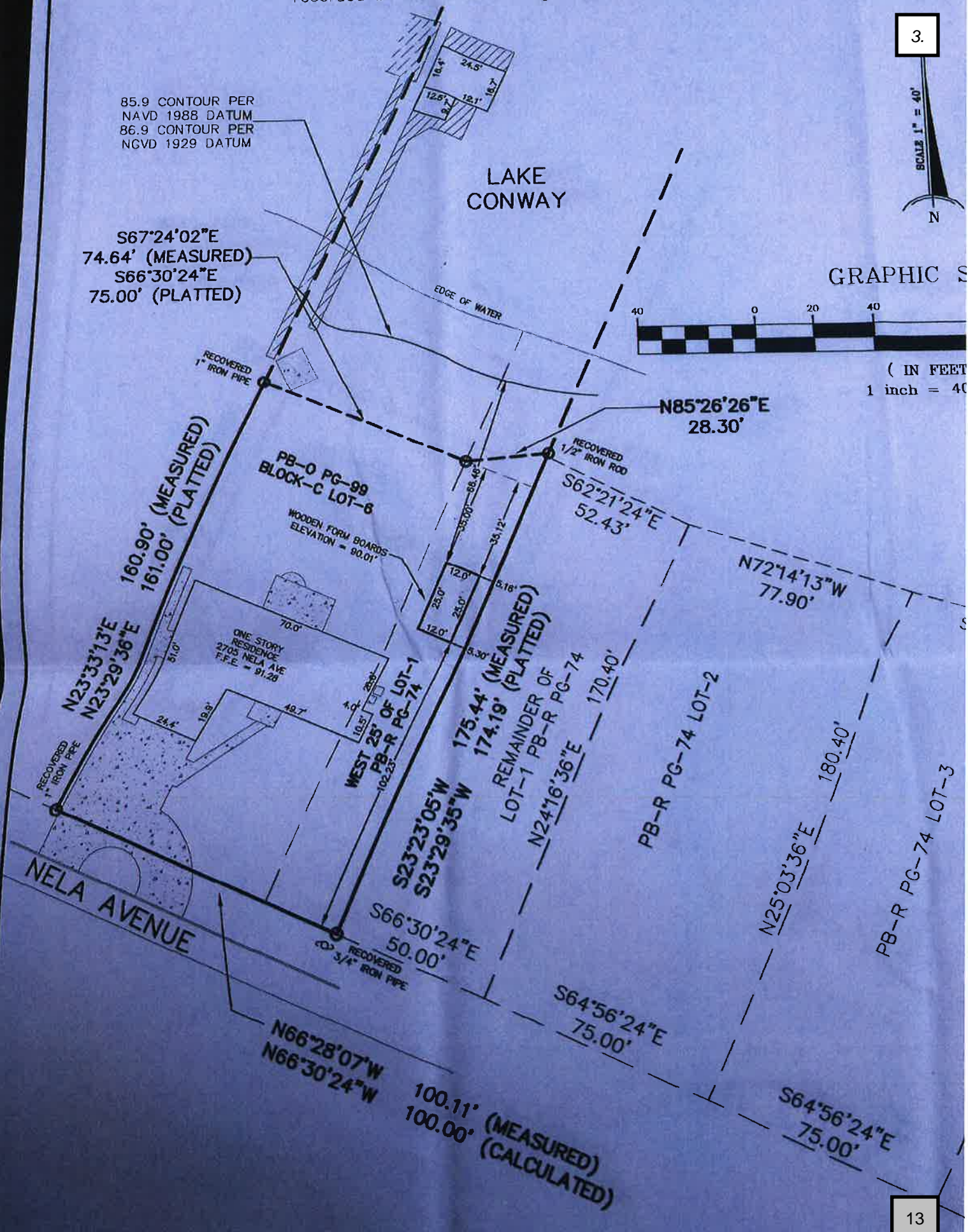


S67°24'02"E
74.64' (MEASURED)
S66°30'24"E
75.00' (PLATTED)

GRAPHIC S



(IN FEET
1 inch = 40



ⓔ to April 7/1/19

3.

2019-07-002

Josh Brown
2705 Nela Ave
Belle Isle, FL 32809

June 19th 2019

Belle Isle City Clerk,

I'm writing to request an exception for updating an accessory building (storage shed) I had constructed when I remodeled the house in 2015. I recently submitted a permit request for this update #2019-04-045 — it was denied for zoning approval.

The original permit for constructing the accessory building in question was done as an amendment to the permit & plans submitted as part of the home remodel by Winter Brothers Construction back in 2015. I originally utilized this building for storage and as a workshop while I was moving in and repairing the dock. Now that this is done I'd like to get more use out of the building (and the backyard).

This request is a part of an overall back yard improvement I am working on and will allow the building to act in a more cohesive way to the backyard. I've included a picture of the backyard as it exists today (Exhibit A) as well as a mock up in the spirit of what I'd like to do (Exhibit B). Also included are the plans showing replacing louvers with windows, adding insulating, split A/C system, bathroom and small sink that were submitted for the permit in question (Exhibit C).

Thank you for your consideration.

Josh Brown

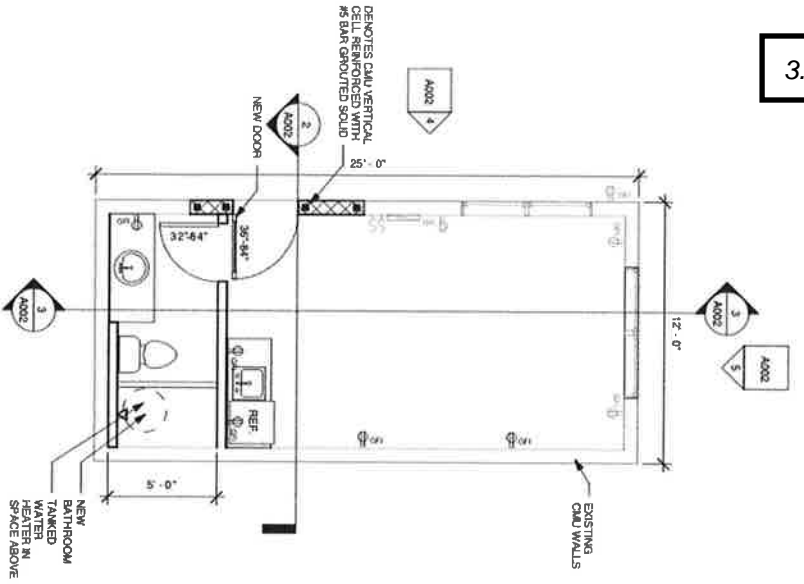


Exhibit A: Existing Backyard With Shed

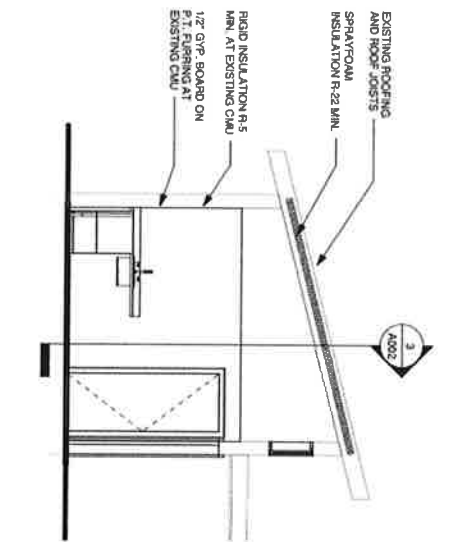


Exhibit B: Mockup of new shade canopy (permitting soon) and accessory building in reference

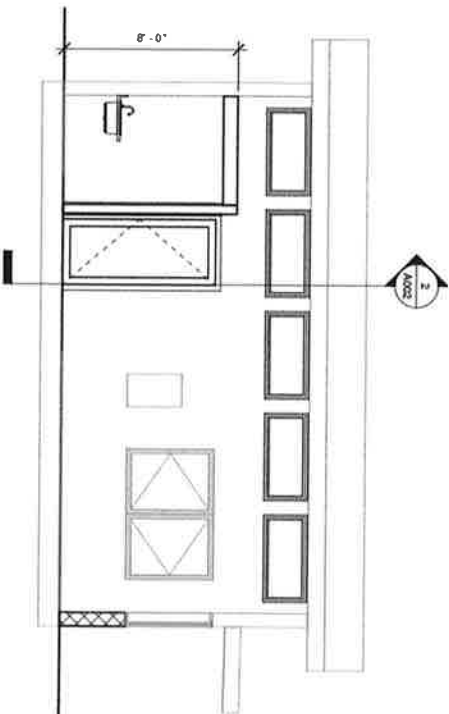
Exhibit C



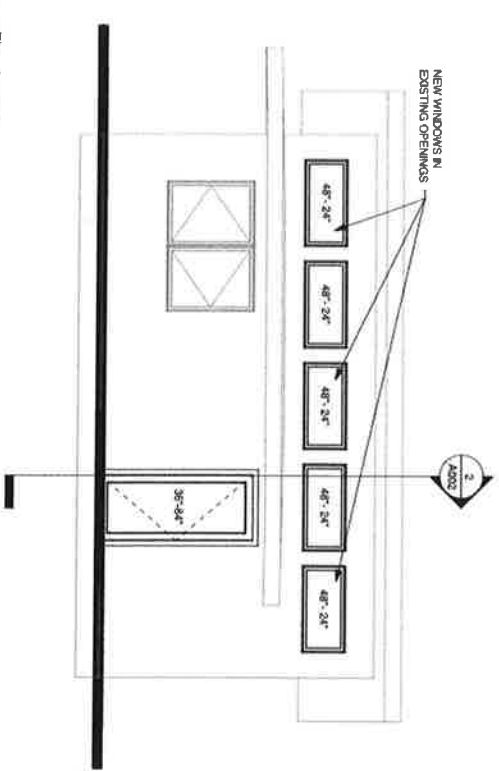
1 CABANA PLAN
1/4" = 1'-0"



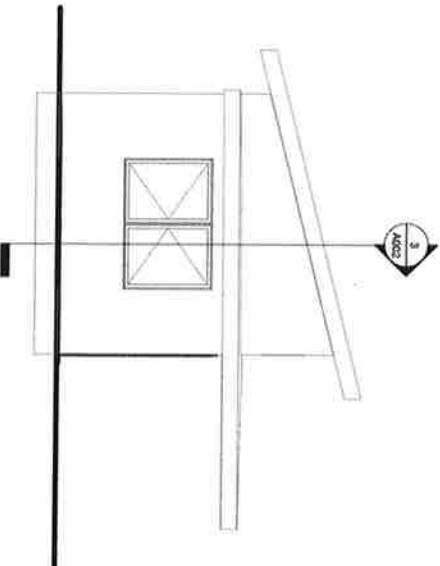
2 Section 2
1/4" = 1'-0"



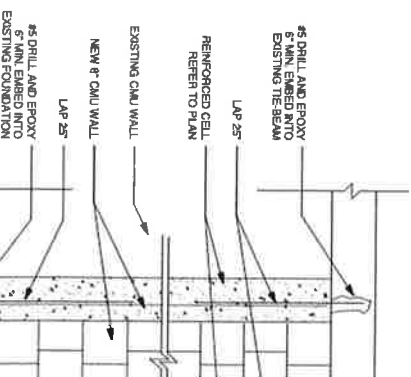
3 Section 3
1/4" = 1'-0"



Elevation 1 - a



Elevation 2 - a



EXISTING CMU REINFORCEMENT

NOTICE OF PUBLIC MEETING

JULY 23, 2019 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 5 MEMORANDUM

TO: Planning and Zoning Board

DATE: July 23, 2019

PUBLIC HEARING CASE #2019-07-020

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Background:

1. On July 8, 2019, Peter Clarke submitted the application, fee and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, July 13, 2019, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, July 11, 2019.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, the criteria of Section 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64 of the Belle Isle Land Development Code having been met TO APPROVE the VARIANCE TO PLACE A SIX-FOOT HIGH FENCE WITH GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT PETER CLARKE, LOCATED AT 7600 DAETWYLER DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-8036-02-010.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code, Section 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, having NOT been met; **[use only if NONE of the justifying criteria have been met]** the requirements of section 42-63, Subsections: **[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] having NOT been met;** **[may be used in addition to above or alone] TO DENY** the proposed the VARIANCE TO PLACE A SIX-FOOT HIGH FENCE WITH GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT PETER CLARKE, LOCATED AT 7600 DAETWYLER DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-8036-02-010.

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

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

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

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

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



July 12, 2019

Variance Application: 7600 Daetwyler Drive

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A SIX-FOOT HIGH FENCE WITH GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT PETER CLARKE, LOCATED AT 7600 DAETWYLER DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-8036-02-010.

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

Review Comments

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

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

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

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

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

Staff Recommendation

Based on the applicant's identification that because of the deep lot configuration, security is a primary issue for installing the fence and gate in the front yard, staff recommends approval of the requested variance. This is consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) which the Board may consider as justifying criteria according to the code.

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: July 8 2019

P&Z CASE #: 2019-07-020

VARIANCE SPECIAL EXCEPTION OTHER

DATE OF HEARING: _____

APPLICANT: Peter Clarke

OWNER: Peter Clarke

ADDRESS: 7600 Daetwyle Dr
Belle Isle 32812

2607 Overlake Ave
Orlando 32808

PHONE: 407-376-5894

PARCEL TAX ID #: 29-23-30-8036-02-010

LAND USE CLASSIFICATION: O130 SFR ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST: Property fronts Daetwyle asking for 6' fence with gate. Fence will be mostly hidden by thick existing vegetation. Will be a combination of Chain Link and Aluminum. Next door has 6' w/ 1 + 4ms w/ 4 fences.

SECTION OF CODE VARIANCE REQUESTED ON: _____

The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.

By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.

Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.

Peter Clarke
APPLICANT'S SIGNATURE

Peter Clarke
OWNER'S SIGNATURE

FOR OFFICE USE ONLY:	FEE: \$150.00	7/9/19	CC61002003	HRP
		Date Paid	Check/Cash	Rec'd By
Determination _____				
Appealed to City Council: <input type="checkbox"/> Yes <input type="checkbox"/> No		Council Action: _____		

Fence Photos

4.

1. Fence area north to south.
2. Fence area south to north to wall
3. Vegetation along sidewalk that will block view of fence.
4. Same as above along sidewalk.
5. Wall along property to the north. Several properties have fences along Daetwyler.

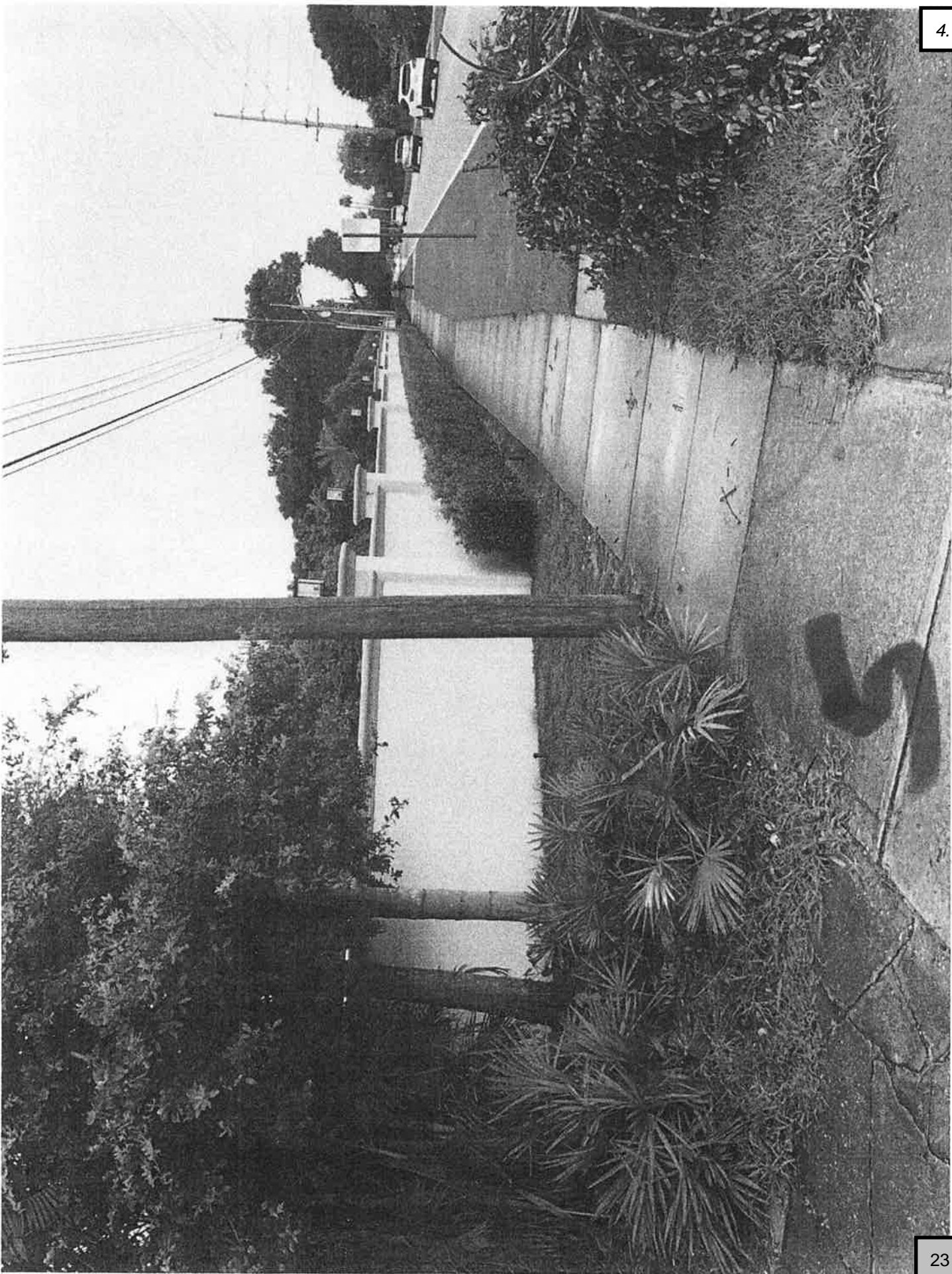


4.



21





 **Searches**
 **Sales Search**
 **Results**
 **Prop**

7600 Daetwyler Dr < 29-23-30-8036-02-010 >

Name(s)

Clarke Peter D

Physical Street Address

7600 Daetwyler Dr

Mailing Address On File

2607 Overlake Ave

Postal City and Zipcode

Orlando, FL 32812

Orlando, FL 32806-7352

Property Use

Incorrect Mailing Address?

0130 - Sfr - Lake Front

Municipality

Belle Isle



Fwd: Fence Supplement 7600 Daetwyler

1 message

datsonfence@aol.com <datsonfence@aol.com>
To: hpeacock@belleislefl.gov

Tue, Jul 9, 2019 at 4:20 PM

From: Pete & Cathie Clarke <huntleia@gmail.com>
Date: Tuesday, July 9, 2019
Subject: Fence Supplement 7600 Daetwyler
To: datsonfence <datsonfence@aol.com>
Fence Supplement 7600 Daetwyler

50-102 (b)

1. On grade with adjacent property which is fully fenced and gated.
2. Existing wall to the north with metal gates at 6 ft. High. Wire fence to the south. All properties to the north are fenced. Our request will be consistent with existing fences in the neighborhood.
3. The property is very deep and is located on a major arterial. We have encountered individuals walking down the drive and on occasion leaving stolen property to retrieve later. Security is a major concern.

Variance Request-Application Supplement

42-64- (1) d.. the property is very deep, located on Daetwyler and security is a concern.

42-64 (1) e...Not a self created hardship. Asking to erect a fence along a main arterial consistent with surrounding properties to provide a level of security.

42-64 (1) f there is no alternative to a fence. There is a wall the length of the property to the north and remnants of a short wire fence to the south. This request will improve the look of the property.

42-64 (1) g This is in harmony with the code and surrounding properties. will have no detrimental effects on any property, owners or pedestrians.

Thank you
Pete Clarke

Sent from my iPad

Variance Request – Application Supplement

<p>*Standards of Variance Justification</p>	<p>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 written document and submit it to the City as part of your variance request.</p>
<p>Special Conditions and/or Circumstances Section 42-64 (1) d</p>	<p>The applicant must prove 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. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?</p>
<p>Not Self-Created Section 42-64 (1) e</p>	<p>The applicant must prove that the special conditions and circumstances do not result from the actions of the applicant. A personal (self-created) hardship shall not justify a variance; i.e. when the applicant by their own conduct creates the hardship alleged to exist, they are not entitled to relief. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?</p>
<p>Minimum Possible Variance Section 42-64 (1) f</p>	<p>The applicant must prove that the zoning variance is the minimum variance that will make possible the reasonable use of the land, building or structure. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.</p>
<p>Purpose and Intent Section 42-64 (1) g</p>	<p>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)</p>

*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, you do not have to comply with Sec. 42-64 (1) d and (1) f.

shall anything be placed, planted or allowed to grow in such a manner as to obstruct or impair visibility of oncoming vehicular or pedestrian traffic from any intersecting street, driveway or alley way.

- (14) *Existing fences.* Any fence or wall which is erected and in violation of this chapter at the time of its passage shall be exempt from the requirements of this chapter unless such fence or wall is deemed a traffic or safety hazard.
- (15) *Nonconforming fences.* All fences, walls, or privacy screens in violation of this chapter at the time of its passage shall be governed by the following conditions: Any fence, wall, or privacy screen that is in violation of section and is determined to be a traffic or safety hazard shall be made to conform to this chapter three months from such determination. No nonconforming fence, wall, or privacy screen shall be enlarged, extended or structurally altered except to make it conform to this chapter.
- (16) *Variance criteria.*
 - a. In the event the applicant wishes to construct a fence or wall different from any of the provision of this subsection (b), a variance must be applied for to the planning and zoning board, pursuant to the provisions of [chapter 42](#), article III. The board in granting an application for the variance may consider as justifying 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 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.
 - b. The requirements of [section 42-6-4\(1\)](#) except for subsections