

ITEM 4
MEMORANDUM

TO: Planning and Zoning Board

DATE: December 7, 2020

PUBLIC HEARING CASE#2020-11-019 – PURSUANT TO BELLE ISLE CODE SEC. 42-64, AND SEC. 30-82, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 30-73 (E), SEC. 30-133 (C) (3), AND SEC. 30-133 (C) (4), TO ALLOW CONTINUED PARKING OF TRAILERS ON A CURRENTLY VACANT RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT CHRIS HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

Background:

1. On November 18, 2020, Chris Heath submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Friday, November 27, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Monday, November 23, 2020.

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

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code SEC. 42-64, AND SEC. 30-82 of the Belle Isle Land Development Code having been met **TO APPROVE THE REQUESTED VARIANCE** FROM SEC. 30-73 (E), SEC. 30-133 (C) (3), AND SEC. 30-133 (C) (4), TO ALLOW CONTINUED PARKING OF TRAILERS ON A CURRENTLY VACANT RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT CHRIS HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of SEC. 30-73 (E), SEC. 30-133 (C) (3), AND SEC. 30-133 (C) (4) AND SEC. 42-64 AND SEC 30-82, 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 REQUESTED VARIANCE TO CONTINUE PARKING OF TRAILERS ON A CURRENTLY VACANT RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT CHRIS HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.**

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

1800 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTIONDATE: 11/18/2020P&Z CASE #: 2020-11-019☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHERDATE OF HEARING: 12/07/2020APPLICANT: Chris HeathOWNER: Chris HeathADDRESS: 2120 Homewood DrSameBelle Isle, FL 32809PHONE: 321-229-0772cmheath33@yahoo.comPARCEL TAX ID #: 19-23-30-5888-06-310

LAND USE CLASSIFICATION: _____ ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST: Request to allow continued parking of trailers in existing position on vacant lot (subject to new code placed)30-133(C)(4)SECTION OF CODE VARIANCE REQUESTED ON: SECTION 30-133 / 30-73(C)

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.

APPLICANT'S SIGNATURE Chris HeathOWNER'S SIGNATURE Chris Heath

FOR OFFICE USE ONLY:

FEE: \$150.00

11/19/2020
Date Paid#261
Check/CashHrp
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

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.

To: City of Belle Isle, FL

From: Chris Heath

Subject: Request for variance to continue parking of trailers at my vacant property located at 2120 Homewood Dr. Belle Isle, FL 32809

Dear all, I am writing this request to request a "variance" to allow continued parking of several trailers located on my vacant property located at 2120 Homewood Dr. Pertinent details of this request include the following:

- This property was purchased by Chris Heath and Zuzana Kovacova on May 22, 2017 with intention to eventually build a custom home on the property. There is an existing boat dock on the property for which my personal ski boat and pontoon boat are attached to. The trailers for the boats are parked on the north side of the property, rather "deep" into the lot. The trailers have been here since shortly after purchase of the lot and well before the new code of "section 30-73" was established.
 - Of note, I am currently working on plans with architect/engineer/builder to start the building of the home and these trailers will likely be removed as construction begins.
- I also purchased a "Utility trailer" that functions as a storage shed just for the lot. This 7 x 12ft enclosed utility trailer serves to store the items (lawn mower, yard tools, etc) I use to maintain the property and keep it looking nice for the surrounding neighbors.
- Summary of the 3 items stored on the lot:
 - 7' x 12' white enclosed utility trailer, V-nose (Freedom) – Of note, would request this trailer to remain at the property through construction of the new home. This will be removed/sold at time of completion of the new home.
 - Boat trailer for 23ft ski boat (trailer only) – to be stored under cover once house built
 - Boat trailer for 28ft pontoon boat (trailer only) – will be removed once house build
- Despite many requests for storage/parking of items of my property, I have never allowed this to ensure integrity/beauty of the property to the city and neighbors.
- I was initially contacted by Bob Francis in Feb 2020 related to the violation of the code. After a phone discussion and multiple email exchanges, Bob notified me that I could continue parking the trailers until further notice. In Nov 2020, I received a notice of violation from Robyn Winters with code enforcement again detailing of the violation. Upon several email exchanges again, Bob suggested the best route would be to request a variance to continue the trailer parking at my property. I am sending this memo and supporting documents in support of the variance.
- Enclosed supporting material:
 - Pictures of the property from code enforcement showing the location of the trailers on the property (deep into the lot, and neatly placed on the very side/north of the property)
 - Letters from both adjacent neighbors (Brandon Carr and Colleen Soto) supporting their allowance for continued parking of the existing trailers.

Thank you,

Chris Heath

January 27th, 2020

To: City of Belle Isle / Bob Francis

From: Brandon Carr (Owner of 2112 Homewood Drive)

Subject: trailer parking violation at 2120 Homewood Drive

Dear City of Belle Isle,

Today I was contacted by Chris Heath, the owner of the vacant lakefront property immediately next door to my house. Chris notified me that he was given notice that the parking of his enclosed trailer and 2 boat trailers are in violation of a newer code by the city. These "vehicles" are parked deeper into the lot and immediately next to my property (close to the property line).

I am writing this letter in support of Chris Heath that he reached out to me prior to parking these items on the vacant property (including planned location) when purchased several years ago. I will attest that I have never had an issue with the location of these items or the general upkeep of the property at 2120 Homewood Dr.

As the neighbor most immediately affected (closest to my property) by the location of these items, I am writing this letter to confirm that I continue to have no issue with the location of Chris' personal items. I am in full support of allowing Chris to continue parking these existing personal items (utility trailer and 2 boat trailers) should the city of Belle Isle approve an exception or waiver to this new policy.

Regards,

A handwritten signature in black ink, consisting of the letters 'BC' followed by a horizontal line.

Brandon Carr

January 27, 2020

To: Belle Isle

To whom it may concern. I am the owner at 2206 Homewood Drive, and directly next door to Chris Heath. Today he notified me that he was contacted by Belle Isle and notified that the trailer(s) he has parked in his vacant lot are now of violation to city code. In case it helps, I am writing this letter in support of Chris to keep the existing trailers he has parked in his vacant property. Chris has always been a courteous neighbor and despite not living here has maintained his property in excellent condition. I personally have no issue with the current condition of the property and am in support of Chris being able to leave his trailers as is should Belle Isle be able to provide an exemption.

Thank you,


Colleen Soto



CITY OF BELLE ISLE FLORIDA

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

Date: November 5, 2020

Certified Receipt: 7020-1290-0001-1238-1548

Property Address: 2120 Homewood Drive
Belle Isle, FL 32809

Property Owner: Christopher Heath
Zuzana Kovacova
640 S. Lake Formosa Drive
Orlando, FL 32803-1818

Parcel I.D. 19-23-30-5888-06-310

Violation(s)

CC Chap 30, Sec 30-73(e) – No motor vehicle, recreational vehicles, watercraft or utility trailers shall be parked on any vacant property in the city.

- Two watercraft trailers and one utility trailer parked on this vacant property. These must be removed by compliance date (11/29/2020).

Compliance Date: November 19, 2020

Dear Property Owner:

The property listed above has been issued a Notice of Violation of one or more city ordinances. Tax records show that you are the owner of record of this property. Florida statutes state that the property owner is responsible for violation(s) that occur on their property. The violation(s) and date for compliance are stated on the attached notice. If the violation(s) are not in compliance by the specified date, it will be necessary to schedule this matter to be heard by the City of Belle Isle Code Enforcement Special Magistrate.

Florida Statute 162.09 states that "fines imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation. If the Special Magistrate finds the violation to be irreparable or irreversible in nature it may impose a fine not to exceed \$5,000 per violation."

In all cases presented to the Code Enforcement Special Magistrate, the City will request the Special Magistrate impose an administrative cost of \$ 100.00. It is in your best interest to resolve this violation(s) prior to being summoned to a hearing.

Please contact me with any questions or concerns you may have.

Sincerely,

Robyn Winters
Code Enforcement Officer
City of Belle Isle
1600 Nela Avenue
Belle Isle, FL 32809
407-851-7730

Attachments

11/05/2020 12:13



11/05/2020 12:13

