
NOTICE OF PUBLIC MEETING

MAY 28, 2019 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 3 M E M O R A N D U M

TO: Planning and Zoning Board

DATE: May 14, 2019

PUBLIC HEARING CASE #2019-05-017

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 FENCE WITH COLUMNS AND A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANTS WHITNEY AND JEFF JOHNSON LOCATED AT 6806 SEMINOLE DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #29-23-30-4389-02-010.

Background:

1. On April 24, 2019, Whitney and Jeff Johnson submitted the application, fee, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, May 18, 2019, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Tuesday, May 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.

SAMPLE MOTION TO APPROVE:

"I move, the criteria of Section 42-64 of the Belle Isle Land Development Code having been met TO APPROVE this request for a variance from Sec. 50-102 (B) (5), Sec. 50-102 (B) (16), to allow a requested variance to place a fence with columns and a gate in the front yard of a residential property, submitted by applicants WHITNEY AND JEFF JOHNSON location at 6806 SEMINOLE DRIVE, BELLE ISLE, FL 32809 also know as PARCEL #29-23-30-4389-02-010.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code, Section 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 this request for a variance from Sec. 50-102 (B) (5), Sec. 50-102 (B) (16), to allow a requested variance to place a fence with columns and a gate in the front yard of a residential property, submitted by applicants WHITNEY AND JEFF JOHNSON location at 6806 SEMINOLE DRIVE, BELLE ISLE, FL 32809 also know as PARCEL #29-23-30-4389-02-010

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.

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: 4-24-19 P&Z CASE #: 2019-05-017
☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: May 21 2019
APPLICANT: Whitney & Jeff Johnson OWNER: Whitney & Jeff Johnson
ADDRESS: 6806 Semihole Dr. same
Belle Isle, FL 32812
PHONE: 407-416-9954

PARCEL TAX ID #: 29-23-30-4389-02-010

LAND USE CLASSIFICATION: R-1-AA ZONING DISTRICT: aluminum

DETAILED VARIANCE REQUEST: Approval to place an fence and gate in our front yard. Proposed fence / gate will be black and stand 5' tall in front, with double opening arched gate for entry with decorative column with lights flanking each side of the driveway. It will match the fence / gate in back that will
SECTION OF CODE VARIANCE REQUESTED ON: secure the pool standing 4' tall w/ 3 bars 2nd bar @ least 45" high to meet pool code.

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.

Whitney Johnson
APPLICANT'S SIGNATURE

Whitney Johnson
OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

5/2/19
Date Paid

#1001
Check/Cash

Hwp
Rec'd By


Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

The particular circumstance unique to our property is it has a very long driveway, and as a result, our home is set further back on the lot which presents a security concern for us and a safety concern for our pets. The circumstance was created because the driveway is necessary for access to the property. The size of the lot dictated the length of the driveway. The unnecessary hardship is the inability to construct a front yard fence and gate. Granting the variance would not alter the essential character of the locality. It is not feasible to secure our property by other means since plant life could help conceal trespassers. Approval of the variance would be compatible and consistent with the current landscape of the neighborhood.

Prepared By and Return To:
Celebration Title Group
Attn: Amanda C Douglas
950 Celebration Blvd, Suite D
Celebration, FL 34747

 COPY

Order No.: 2019030370

Property Appraiser's Parcel I.D. (folio) Number:
29-23-30-4389-02010

WARRANTY DEED

THIS WARRANTY DEED dated April 30, 2019, by 6806 Seminole, LLC, a Florida limited liability company, existing under the laws of Florida, and having its principal place of business at 6413 Pinecastle, Unit #3, Orlando, Florida 32809 (the "Grantor"), to Jeffrey A Johnson, Jr. and Whitney W Johnson, husband and wife, whose post office address is 6806 Seminole Dr, Belle Isle, Florida, 32812 (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 of No Dollars And No/100 Dollars (\$0.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in County of Orange, State of Florida, viz:

Lot 1, Block B, LAKE CONWAY PARK, according to the Plat thereof, recorded in Plat Book G, Page 138, of the Public Records of Orange County, Florida.

ALSO: Begin at the Southwest corner of Lot 1, Block B, LAKE CONWAY PARK, in Plat Book G, Page 138, run South 81 degrees 46 minutes East 233.3 feet to the Southeast corner of Lot 3; thence South 25 degrees 32 minutes West 180 feet along a prolongation of East line of said Lot 3 to the waters of Lake Conway; thence North 71 degrees 25 minutes West 236 feet along Lake Conway to the West line of Lot 1 prolonged; thence North 30 degrees, East 140 feet to the Point of Beginning. All in Section 30, Township 23 South, Range 30 East.

Property is not the homestead of the grantor (seller) nor contiguous to the homestead of the grantor as defined by the constitution of the state of Florida

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in FEE SIMPLE forever.

AND the grantor hereby covenants with said 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; that the grantor hereby fully 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: 2018.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

6806 Seminole, LLC, a Florida limited liability company

BY:

Christopher M Comins
Christopher M Comins
Manager

[Signature]
Witness Signature

Jason Sandvil
Printed Name of First Witness

[Signature]
Witness Signature

Jensherise Samayoa
Printed Name of Second Witness

Grantor Address:
6413 Pinecastle, Unit #3
Orlando, FL 32809

STATE OF FLORIDA

COUNTY OF Orange

I, Jason Sandvil, a Notary Public for the County of Orange and State of Florida, do hereby certify that Christopher M Comins, as manager of and on behalf of 6806 Seminole, LLC, a Florida limited liability company personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 30th of April, 2019.

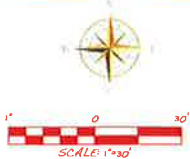
[Signature]
Notary Public

My Commission Expires: 3/21/21

(SEAL)



Jason Sandvil
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG085242
Expires 3/21/2021



ADDRESS
6806 SEMINOLE DRIVE
ORLANDO, FL., 32812

- LEGEND:
- A/C = AIR CONDITIONER
 - CC = COVERED CONCRETE
 - CE = COVERED ENTRY
 - CLF = CHAIN LINK FENCE
 - CMES = CONCRETE MITRED END STRUCTURE
 - CONC = CONCRETE
 - COV. = COVERED
 - C/S = CONCRETE SCAB
 - CW = CONCRETE WALKWAY
 - ENCL = ENCLOSED LANAI
 - FND = FOUND
 - ID = IDENTIFICATION
 - LB = LICENSED BUSINESS
 - L.S. = LICENSED SURVEYOR
 - MTF = METAL FENCE
 - N, E, S, W = CARDINAL DIRECTION
 - OHL = OVERHEAD UTILITY LINES
 - ONS/OFFS = ON SITE / OFFSITE
 - O.R. BOOK = OFFICIAL RECORDS BOOK
 - P.C. = POINT OF CURVATURE
 - P.C.C. = POINT OF COMPOUND CURVATURE
 - PE = POOL EQUIPMENT
 - PG = PAGE
 - P.I. = POINT OF INTERSECTION
 - P.R.C. = POINT OF REVERSE CURVATURE
 - P.T. = POINT OF TANGENCY
 - P.V.C. = POLYVINYL CHLORIDE
 - R.L.S. = REGISTERED LAND SURVEYOR
 - SC = SCREENED CONCRETE
 - SMH = STORM MANHOLE
 - SSMH = SANITARY SEWER MANHOLE
 - VF = VINYL FENCE
 - WD = WOOD DECK
 - WF = WIRE FENCE
 - WFF = WOOD FENCE
 - WFF = WOOD AND WIRE FENCE
 - CM = CONCRETE MONUMENT (CM)
 - OH = DRILL HOLE (OH)
 - IP = IRON PIPE & CAP (IP)
 - IR = IRON ROD AND CAP (IR)
 - H&D = HAIL & DISK (H&D)
 - CTV = CABLE TV RISER
 - CB = CATCH BASIN / BILET
 - DM = DRAINAGE MANHOLE
 - EB = ELECTRIC BOX
 - FH = FIRE HYDRANT
 - GW = GUY WIRE
 - LP = LIGHT POLE
 - RB = RISER BOY
 - SC = SANITARY CLEANOUT
 - SMH = SANITARY MANHOLE
 - SGN = SIGN
 - TR = TELEPHONE RISER
 - TRANS = TRANSFORMER
 - PP = POWER POLE
 - OU = OVERHEAD UTILITIES
 - NEL = WELL
 - WM = WATER METER
 - WV = WATER VALVE
 - LN = LINE NOT DRAWN TO SCALE
 - F = FIELD
 - PL = PLAT
 - D = DEED
 - IP = IRRIGATION PUMP
 - SLD = SEPTIC LID
 - PLD = PROPANE LID



LINE TABLE
LINE LENGTH BEARING
1. 22.341641242323

CURVE TABLE
CURVE LENGTH RADIUS DELTA
1. 14.00 34.00 81.0732

JOB #:	VLSR19-33478
CLIENT #:	
FIELD DATE:	4-23-19
CREW:	SCHOBER
DRAFTER:	HS
APPROVED:	JEW
SCALE:	1" = 30'

COPYRIGHT 2011

X	Borrower's Acknowledgment and Acceptance
X	Borrower's Acknowledgment and Acceptance



Legal Description (AS FURNISHED)

Lot 1, Block B, LAKE CONWAY PARK, according to the map or plat thereof as recorded in Plat Book G, Page 188, Public Records of ORANGE County, Florida.

ALSO: A PORTION OF LAND BETWEEN THE EAST AND WEST PROPERTY LINES OF LOT 1, BLOCK B, LAKE CONWAY PARK, IN PLAT BOOK G, PAGE 188, EXTENDED TO THE WATERS OF LAKE CONWAY, BEGIN AT THE SOUTHWEST CORNER OF LOT 1, BLOCK B, THENCE RUN SOUTH 91 DEGREES 46 MINUTES EAST 84.73 FEET, THENCE SOUTH 35 DEGREES 33 MINUTES WEST 103.46 FEET TO THE WATERS OF LAKE CONWAY, THENCE NORTH 71 DEGREES 26 MINUTES WEST 84.73 FEET ALONG LAKE CONWAY, THENCE NORTH 34 DEGREES 40 MINUTES 28" EAST 84.73 FEET TO THE POINT OF BEGINNING. ALL IN SECTION 30, TOWNSHIP 21 SOUTH, RANGE 30 EAST.

- ADDITIONAL NOTES:
3. Additions or deletions to this survey by anyone other than the signing party or parties is prohibited without the written consent of the signing party or parties.
 4. The property shown hereon is subject to all easements, restrictions and reservations which may be shown or noted on the record plat and within the public records of the county the subject property is located. This survey only depicts survey related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor.
 5. Building lines and dimensions for improvements should not be used to reconstruct boundary lines.

SURVEYOR'S CERTIFICATE	
I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears on the records of the Surveyor's Office.	
DATE	4-23-19
TIME	10:00 AM
LOCATION	6806 SEMINOLE DRIVE, ORLANDO, FL 32812
PROJECT	BOUNDARY SURVEY
CLIENT	CELEBRATION TITLE GROUP
SURVEYOR	JAMES E. WILSON, SLS
DATE	4-23-19
TIME	10:00 AM
LOCATION	6806 SEMINOLE DRIVE, ORLANDO, FL 32812
PROJECT	BOUNDARY SURVEY
CLIENT	CELEBRATION TITLE GROUP