

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: 1/31/22

P&Z CASE #: 2022-01-039

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING: 2/22/2022

Applicant	Eric R. Wilson	Owner	Eric + Suzanne Wilson
ADDRESS	5437 Pasadena Dr.		
PHONE:	954-298-5277		
PARCEL TAX ID #:	18-23-30-8858-00-020		

LAND USE CLASSIFICATION: Residential ZONING DISTRICT: District # 2

DETAILED VARIANCE REQUEST: Would like to put up 6' Wooden Fence on our Property 101' Linear Ft from the water. The Fence will totally be on our property adjacent to City chain link fence to provide privacy + security.

SECTION OF CODE VARIANCE REQUESTED ON: Sec 50-102 (b) 7

- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.
- By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.
- Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.
- Sec. 42-64. - Variances.** The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.
 - Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
 - A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d-g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.
 - Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
 - The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing, or the applicant's attorney shall appear before the board.
 - It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
 - It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land Development Code or for the purpose of obtaining a variance.
 - It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

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

(2) *Violations of conditions.*

- a. In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of land, structures or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

waived
Date Paid

[Signature]
Check/Cash

1/31/22
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

Eric Wilson Variance Application:

What are Special Conditions and Circumstances...?

Our home is located directly adjacent to the City Owned Venetian Boat Ramp. The Ramp is open to the Public each day from Dawn to Dusk. As you can imagine the traffic pattern can be large, especially on the weekends.

Although it is violation of the Ramp Rules, many times the Ramp is used as a Public gathering place for Parties etc. While other times it has become a location to drop passengers to load aboard wave runners and boats back and forth. For the matter we often have Uber Drop Offs stopping in front of our home dispatching passengers.

Other times the Ramp is used as a Public Dog Park where folks allow their dogs to carouse the Ramp areas without Leashes.

Sometimes, fortunately not always, the Ramp is used as a Public Toilet facility all of which is in plain view our home. Which Is unpleasant for my Family members to observe as you can imagine.

Conversely, many times we find people simply peering into our home from their perch upon their Boat, Vehicles, Trucks, etc. Or simply walking along the Ramp directly adjacent to our home.

All this invasion of privacy is uncomfortable as well and we feel challenges the Security of our home.

How were the Special Conditions created?

I think most folks in the Venetian area of Residential home would question why and how the City decided to put a Public Boat Ramp available to all (No restrictions for City Residents only) in the first place. Most of us also wonder why Permits could not be required which would be available only to City Residents. But the City essentially created this situation years ago.

Although there are Rules in place, it is impossible for the Police force to Patrol the Ramp always and we certainly welcome when they do. And, although we don't like it, being pro-active is not realistic.

When we purchased the lot to build our home we were told the Ramp was not used often and the traffic pattern was very light. We assumed that folks would be courteous and respect our Privacy. Unfortunately, we have found that neither of those things are true.

Alternatives to this Variance, are there any?

Unfortunately, unless the City decides to Close City Ramps or better restrict them (Keys to City Residents for example) it is unlikely this behavior will change.

What affects will this Variance have on adjacent Properties?

None, as the adjacent Property is the Ramp in question. The closest home is on the other side of the Ramp and is approximately 100 ft from that proposed Wooden Security Fence.



City of Belle Isle
1600 Nela Avenue, Belle Isle, FL 32809
Tel 407-851-7730 * Fax 407-240-2222 * www.cityofbelleislefl.org

Fence Permit Application

\$30.00 fee

Date: 10/16/21

Permit # 2021-12-042

Property Address <u>5437 Pasadena Dr</u>		Belle Isle, FL <input checked="" type="checkbox"/> 32809 <input type="checkbox"/> 32812
Parcel ID # <u>18-23-30-8858-00-020</u>	Job Cost (labor & material) \$ <u>2650.00</u>	
To obtain this information, please visit http://www.ocpal.org/Searches/ParcelSearch.aspx		
Property Owners Name <u>Eric R Wilson</u>	Phone <u>954-298-5277</u>	
Fence Company Name <u>Seminole Fence Systems Inc.</u>	Phone <u>407-699-9959</u>	
Contractor Name <u>Terry Bachman</u>	Phone <u>407-699-9959</u>	

Fence Dimensions: 101 Linear Feet ☐ # of Gates 0 ☐ Gate Type(s) —

Construction Type: ☐ PVC ☒ Wood ☐ Other Style: ☒ Privacy ☐ Picket ☐ Other

- A survey, with placement of fence marked, must be attached to this application for review.
- A final inspection will be required to finalize permit. Instructions for scheduling will be on permit card.

I hereby acknowledge that the above is correct and true, and agree to conform to the City of Belle Isle's Building Regulations, Codes and Ordinances. I understand the erection of a fence must not obstruct any existing easements, including but not limited to drainage, utility, ingress and egress easements. If a sidewalk or street is damaged, I agree to restore same to the pre-damaged condition. I further acknowledge that the proposed construction does not violate any deed restrictions on the property.

Signature Terry Bachman

[] Owner ☒ Agent

FOR BELLE ISLE USE ONLY

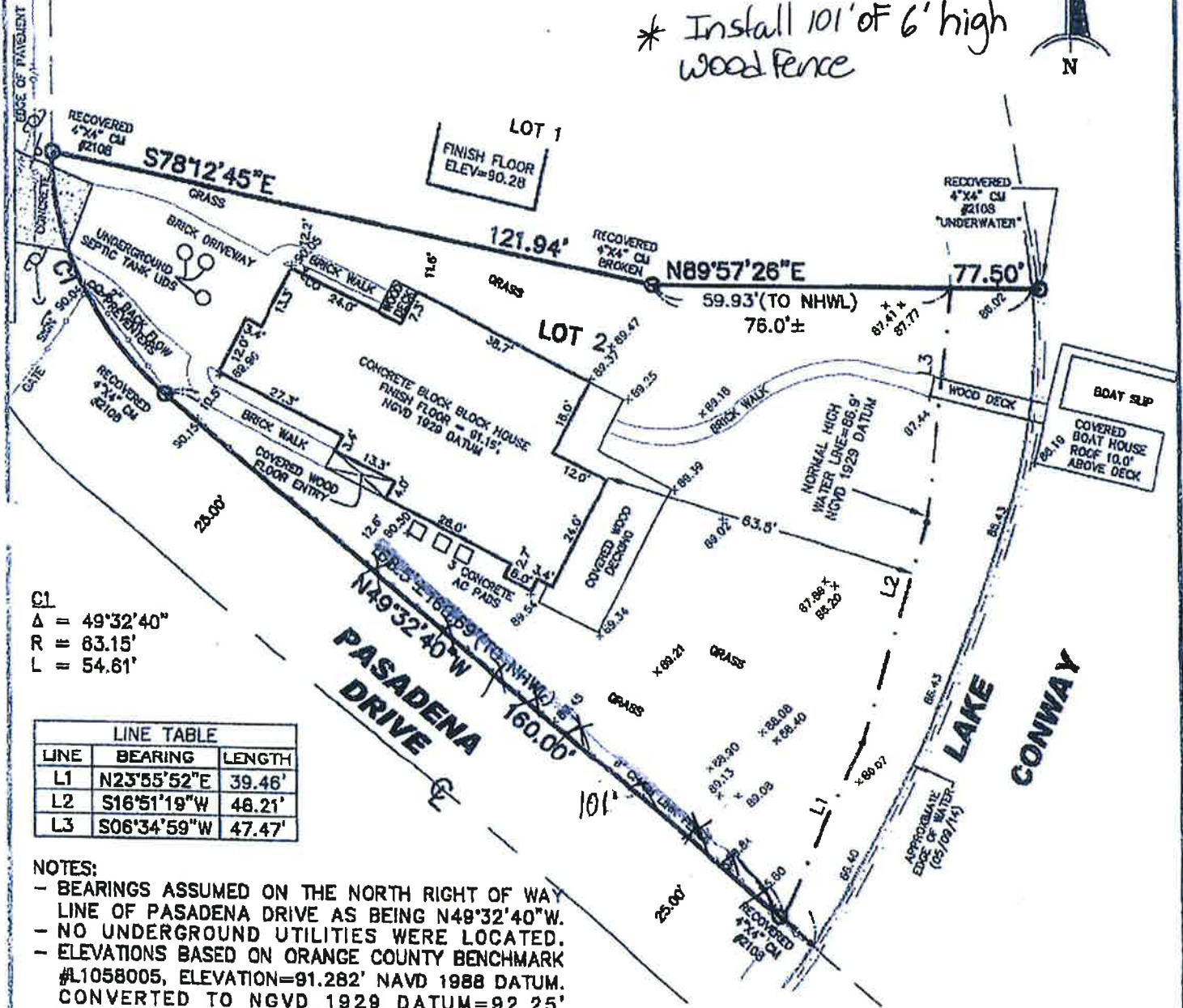
ZONING APPROVAL STAMP:

Republic Services is by legal contract the sole authorized provider of garbage, recycling, yard waste, and commercial garbage and construction debris collection and disposal services with the city limits of the City. Contractors, homeowners and commercial businesses may contact Republic Services at 407-293-8000 to setup accounts for Commercial, Construction Roll Off, or other services needed. Rates are fixed by contract and are available at City Hall or from Republic Services. The City enforces the contract through its code enforcement office. Failure to comply will result in a stop work order.

BOUNDARY SURVEY

DESCRIPTION: LOT 2, VENETIAN GARDENS REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 66, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

* Install 101' of 6' high wood fence



C1
 $\Delta = 49^{\circ}32'40''$
 $R = 83.15'$
 $L = 54.61'$

LINE TABLE		
LINE	BEARING	LENGTH
L1	N23°55'52"E	39.46'
L2	S16°51'19"W	48.21'
L3	S06°34'59"W	47.47'

NOTES:

- BEARINGS ASSUMED ON THE NORTH RIGHT OF WAY LINE OF PASADENA DRIVE AS BEING N49°32'40"W.
- NO UNDERGROUND UTILITIES WERE LOCATED.
- ELEVATIONS BASED ON ORANGE COUNTY BENCHMARK #L1058005, ELEVATION=91.282' NAVD 1988 DATUM. CONVERTED TO NGVD 1929 DATUM=92.25'
- SURVEY ELEVATIONS SHOWN ARE NGVD 1929 DATUM.
- UPLAND AREA = 13,885 SQUARE FEET, 0.31 ACRES
- AREA BETWEEN NORMAL HIGH WATER LINE AND EDGE OF WATER = 1,887 SQUARE FEET, 0.04 ACRES

LEGEND

- SIGN
- UTILITY POLE
- O/H— OVERHEAD UTILITY LINE
- CO — CLEANOUT

JAMES R. SHANNON JR., P.L.S. #4871
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

REVISED 03/03/2015 LOCATED STEM WALL
 REVISED 11/03/2015 FINAL SURVEY
 SHANNON SURVEYING, INC.
 499 NORTH S.R. 434 — SUITE 2155
 ALTAMONTE SPRINGS, FLORIDA, 32714
 (407) 774-8372 LB # 6898

DATE OF SURVEY: 05/08/2014

FIELD BY: J.S. SCALE: 1" = 30'

FILE NUMBER: P818-PC68-LOT2

Front of Property/Ramp side



Sides Of Property/Our side

