

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: 1-26-22 P&Z CASE #: 2022-01-031

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: _____

Applicant <u>DANIEL E. COLPITTS</u>	Owner <u>Stanley Evans</u>
ADDRESS <u>2203 Hoffner Ave. 5014 Woodbriar Dr.</u>	<u>2203 Hoffner Ave</u>
PHONE: <u>561-704-7566 Belle Isle FL 32809</u>	<u>Belle Isle FL 32809</u>
PARCEL TAX ID #: <u>18-23-30-5120-00-360</u>	

LAND USE CLASSIFICATION: Residential ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST: 6 Ft. Tall Aluminum Fence in front of Home

I work at home, safety issue, people driving fast past house & texting. I need to feel safe. People coming up to my door, asking for money.

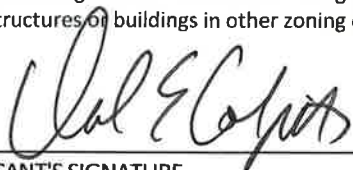
SECTION OF CODE VARIANCE REQUESTED ON: 50-102

- 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.
 - o Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
 - a. 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.
 - b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - g. 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

1/26/22 ^{ck#} 2070
Date Paid Check/Cash

Hhp
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

1. By not giving this variance, it would jeopardize my safety. We have had a few ^(Homeless) people knocking on our door asking for money, cars & trucks driving faster than they should, texting, driving over our yard.
2. Referring to Answer one please, And I work at home and want to feel safe.
3. There is only one place to put the fence in order to get in our driveway safely from Hoffner ave.
4. There are many homes along Hoffner Ave. with fences & gates in the front of their homes, for safety purposes.

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.</p> <p>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.</p> <p>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.



SCALE: 1"=40'



ADDRESS
2203 Hoffman Avenue
Orlando, FL 32809

LEGEND

- OR Book = Official Record Book
- CA = Covered Area
- ID = Identification
- LB = Licensed Business
- FP = Found Iron Pipe
- BP = Found Iron Rod
- FS = Flat Stone Deck
- (C) = Calculated Dimension
- Ø = Power Pole
- COK = Covered Outdoor Kitchen
- FG = Fence
- EB = Electric Box
- WM = Water Meter
- LP = Light Pole
- TR = Telephone Riser
- TR = Transformer
- (D) = Dead Dimension
- (F) = Field Dimension
- VF = Vinyl Fence

celebration
TITLE GROUP

JOB #:	VLSR21-5731
CLIENT #:	
FIELD DATE:	12/7/21
DRAFTER:	DF
APPROVED:	JW
SCALE:	1" = 40'

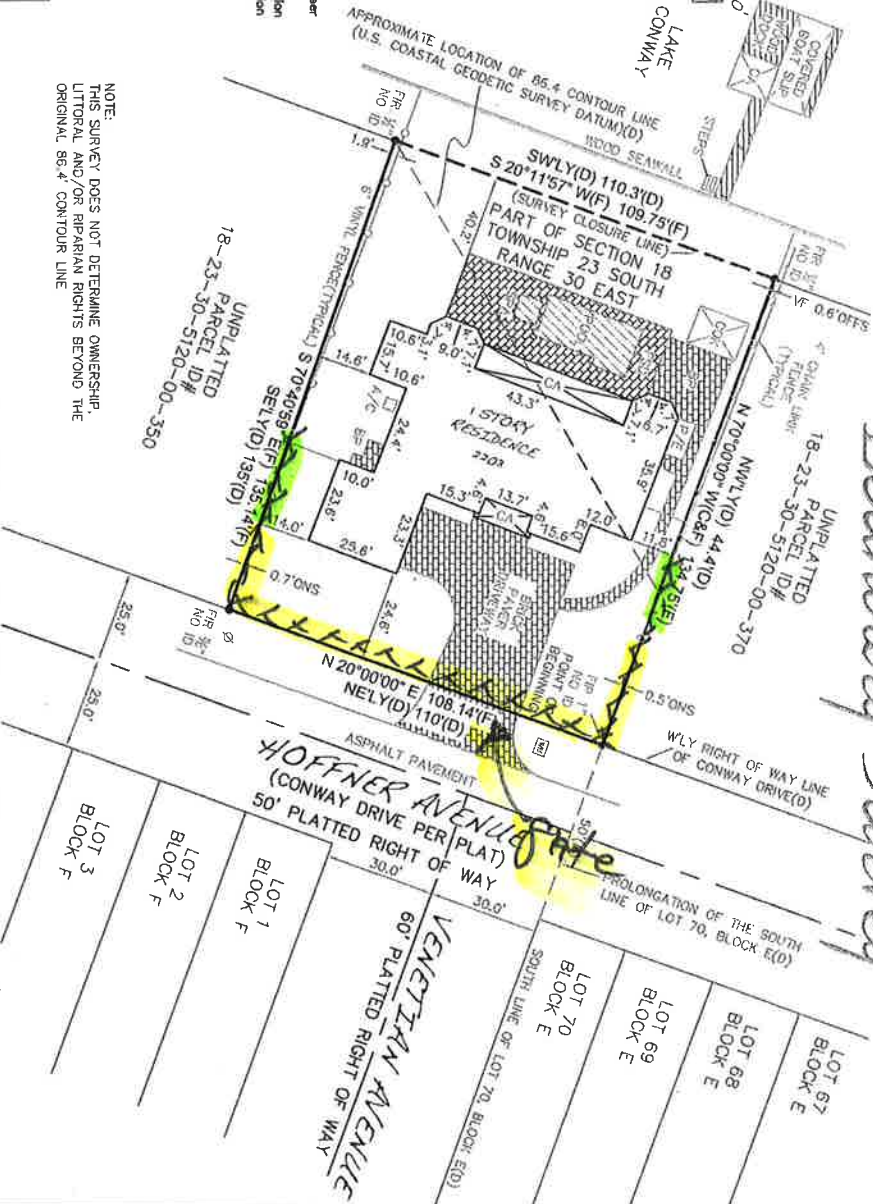
Borrower's Acknowledgment and Acceptance

NOTE:
THIS SURVEY DOES NOT DETERMINE OWNERSHIP,
LITORAL AND/OR RIPARIAN RIGHTS BEYOND THE
ORIGINAL 86.4' CONTOUR LINE

Legal Description (Document # 20210577304)

Begin at a point on the westerly R1/2 line of Conway Drive, said point being located at the intersection of the prolongation of the South line of Lot 70, Block "E", of VENETIAN GARDENS, according to Plat Book "L", Page 35, Public Records of Orange County, Florida, and the westerly R1/2 line of Conway Drive, run thence Northwesterly and at right angles to Conway Drive 44.4 feet to a point on the 86.4' contour line as established by the U. S. Coastal Geodetic Survey Datum, thence Southwesterly along said 86.4' contour line 10.3 feet to a point, thence Southwesterly 135 feet to the westerly boundary of Conway Drive, thence Northwesterly along the westerly R1/2 line of Conway Drive 10 feet to a Point of Beginning.

6-VINYL
6-ALUMINUM



Boundary Survey

CERTIFIED TO: (AS FURNISHED)
Curtis A. Clever and Sherry Evans
Celebration Title Group
First American Title Insurance Company

FLOOD ZONE
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE 1.000 AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) 100-YEAR FLOOD MAP, PER FED. EMERGENCY MANAGEMENT AGENCY, LAST REVISION DATE 9/25/08. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:
DOCK, STEPS, BOAT SLIP, A SEAWALL, BE COMPLETELY OFF OF
SUBJECT PROPERTY.
FENCES CROSS PROPERTY LINE
OWNERSHIP OF FENCES AND SEAWALL HAS NOT BEEN DETERMINED

BASIS OF BEARING
BEARINGS ARE BASED ON THE NORTHWEST RIGHT-OF-WAY OF HOFFNER AVENUE WHICH HAS AN ASSUMED BEARING OF N20°00'00" E.

NOTES
1. Underground utility installations, underground improvements, foundations and/or other underground structures were not located by this survey.
2. The purpose of this survey is for use in obtaining the insurance and financing and other purposes.
3. Additions or deletions to the 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. The survey only depicts survey-related information such as easements and subdivisions that are shown on the record plat and within the public records of the county.
5. Building lines and encroachments for improvements should not be used to reconstruct boundary lines.

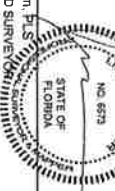
THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY OF THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.

LB 7788

VISIONLAND

941 S Pennsylvania Ave Winter Park, FL 32789 | (888) 399-8474

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY CONDUCTED UNDER MY DIRECTION.



DATE	REVISION	DATE	REVISION

Prepared By and Return To:
Celebration Title Group
950 Celebration Blvd, Ste. D
Celebration, FL 34747

Order No.: 2021CTG1107548

Property Appraiser's Parcel I.D. (folio) Number:
18-23-30-5120-00360

WARRANTY DEED

THIS WARRANTY DEED dated December 14, 2021, by Frederick Christensen, Jr. a/k/a Frederick L. Christensen, Jr, a single man, whose post office address is 14628 Avenue of the Rushes, Winter Garden, FL 34787 (the "Grantor"), to Patricia A Clever and Stanley Evans, husband and wife, whose post office address is 2203 Hoffner Ave, Belle Isle, FL 32809 (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 Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of ORANGE, State of Florida, viz:

Begin at a point on the Westerly Right-of-Way line of Conway Drive, said point being located at the intersection of the prolongation of the South line of Lot 70, Block "E", of VENETIAN GARDENS, according to Plat Book "L", Page 25, Public Records of Orange County, Florida, and the Westerly Right-of-Way line of Conway Drive, run thence Northwesterly and at right angles to Conway Drive 144.4 feet to a point on the 86.4 contour line as established by the U. S. Coastal Geodetic Survey Datum, thence Southwesterly along said 86.4 contour line 110.3 feet to a point, thence Southeasterly 135 feet to the Westerly boundary of Conway Drive, thence Northeasterly along the Westerly Right-of-Way line of Conway Drive 110 feet to a Point of Beginning.

THE PROPERTY DESCRIBED ABOVE IS NOT THE HOMESTEAD OF THE GRANTOR NOR CONTIGUOUS TO THE HOMESTEAD OF THE GRANTOR AS DEFINED BY THE CONSTITUTION OF THE STATE OF FLORIDA.

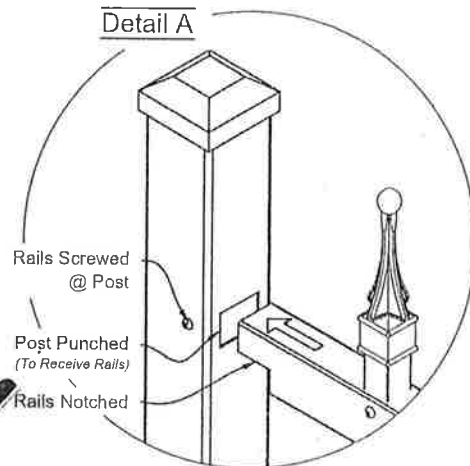
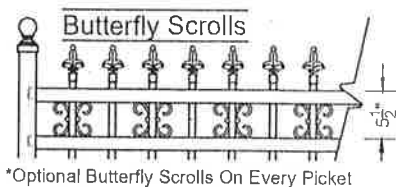
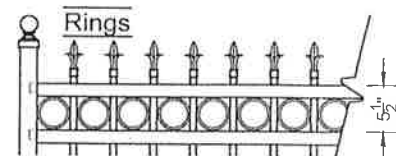
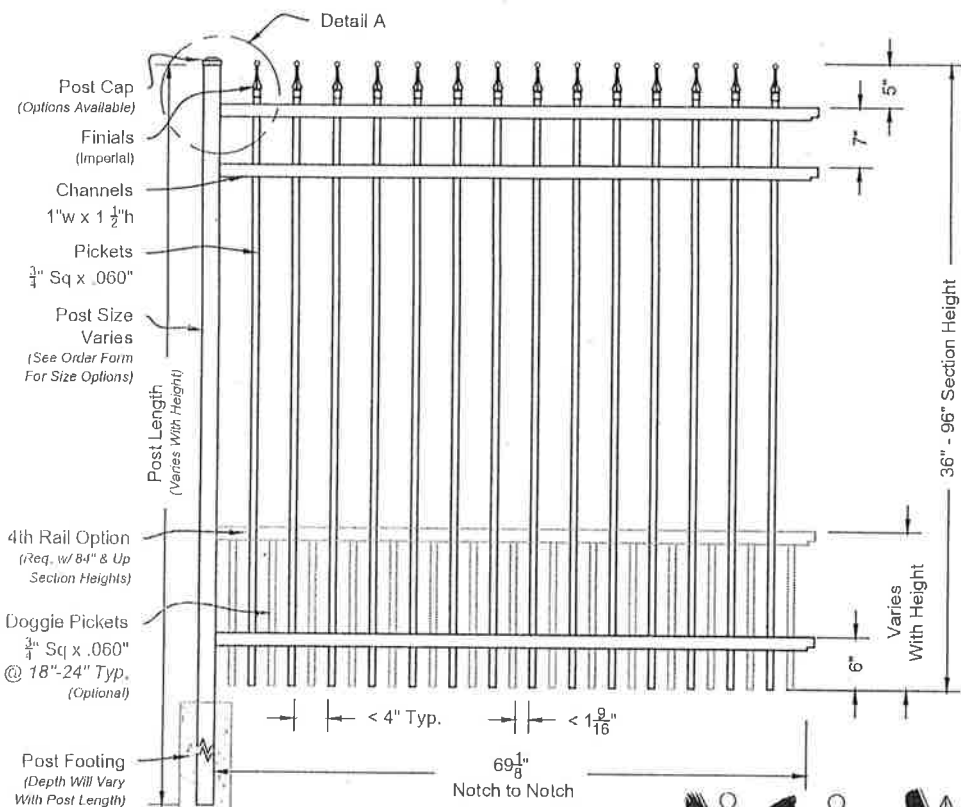
Subject to easements, restrictions, reservations and limitations of record, if any.

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

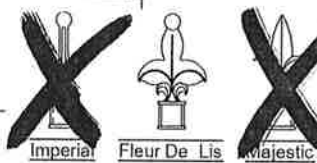
TO HAVE AND TO HOLD the same in Fee Simple forever.

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 2021.

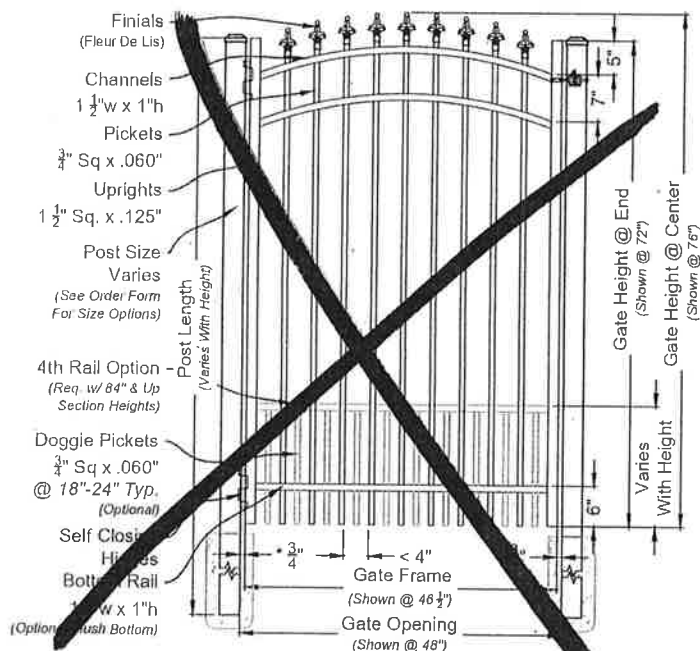
BUYER
also Reporting Burden for this collection of information, and you are not required to complete this form designed to provide the parties to a RESPA covered transaction.
Previous editions are obsolete.



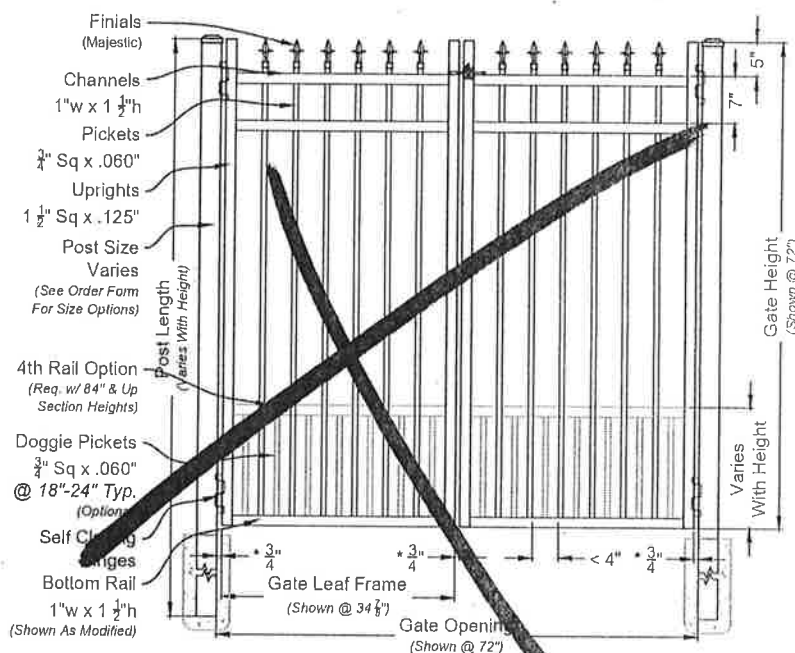
Finials #600 6ft Fence Panel
Shown As Commerical Series Scale: NTS



Matching Gate Options



Finials Single Walk Gate
#6003 Arched Rail Option Scale: NTS



Finials Double Walk Gate
#6600M Straight Rail Option Scale: NTS

Finials Fence & Gate
Commercial Series #600

iDeal
aluminum
fence gates railing

DRAWING NOTES:
Don't Scale From Drawings.
Please See Our Fence & Gate Style Sheet For Other Options.

*Other Optional Gate Hardware Available, But May Change The Hinge And Latch Clearances.

Com 600 Series
Fence & Gate
Details

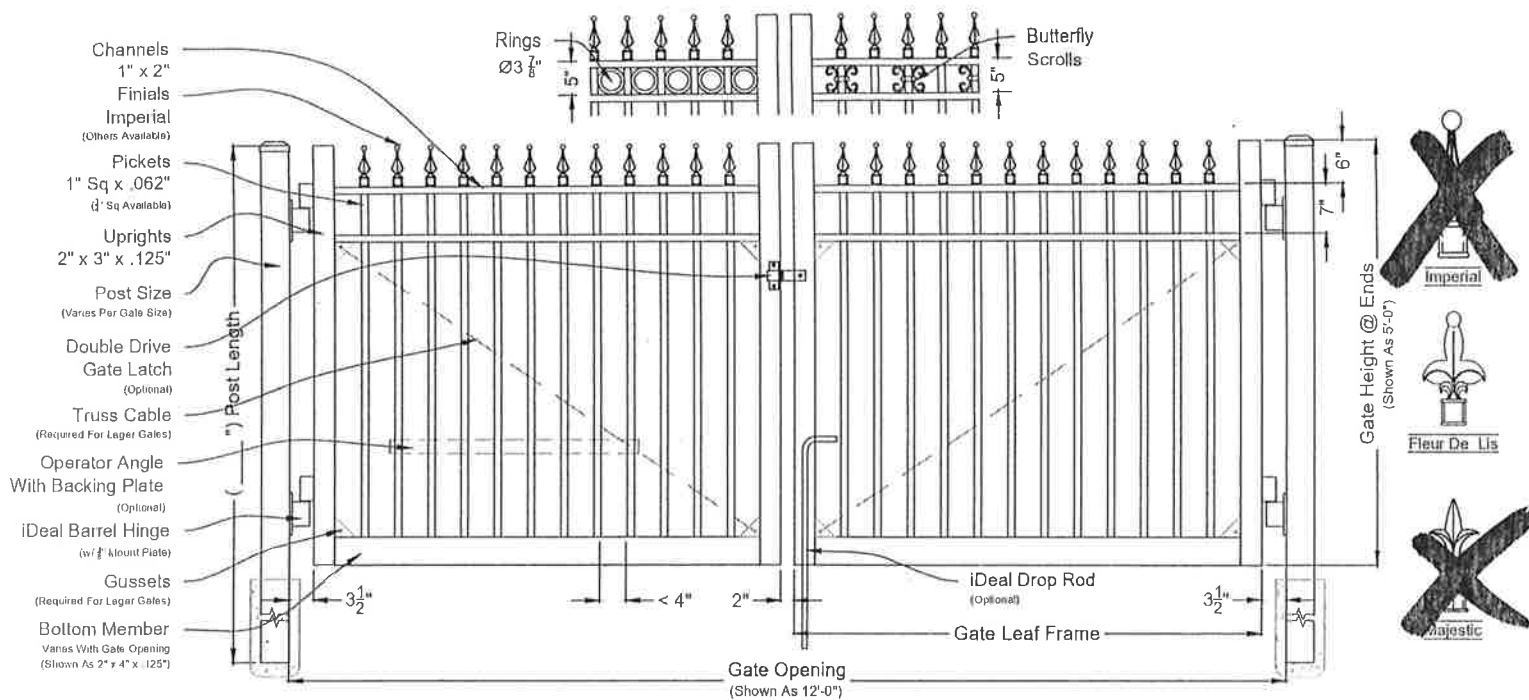
Approved By: iDeal Aluminum Quote #:

Drawn By: JMixon

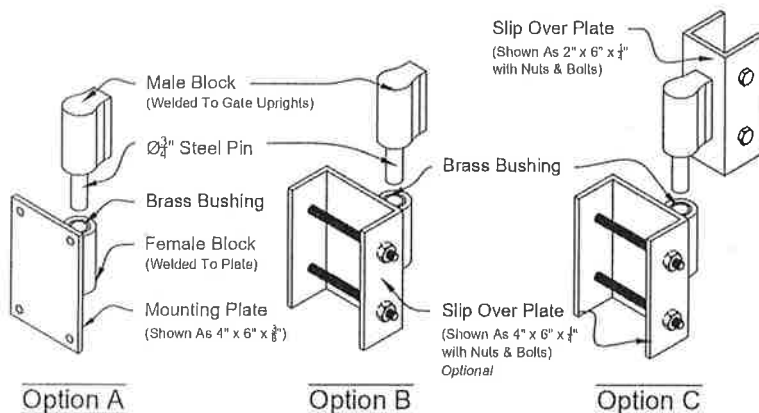
Drawn Date: 26-Nov-13

2000 Brunswick Lane Phone: 386.736.1700
Deland, FL 32724 Fax: 386.822.4956

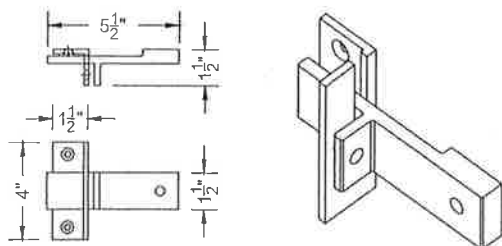
1 OF 1



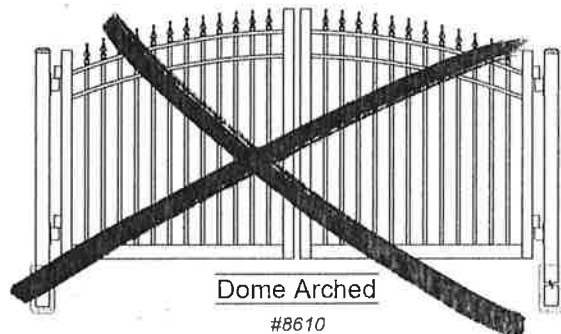
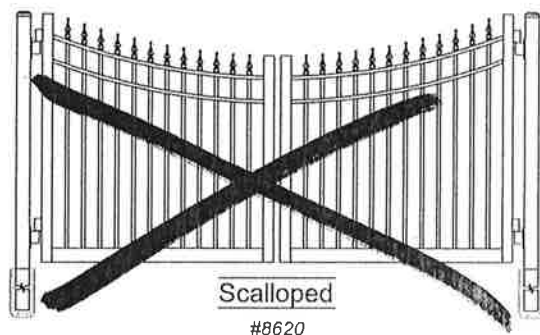
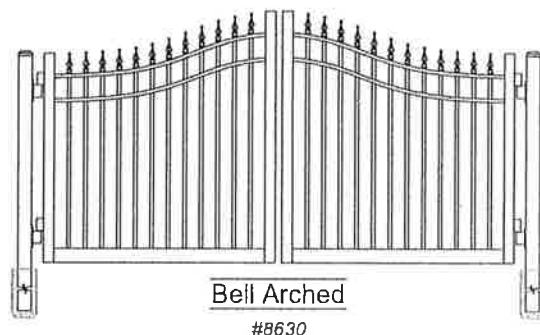
01 **Finials #8600 Double Swing Gate**
Shown As Standard (Industrial Series) Scale: NTS



02 **iDeal Barrel Hinge**
Custom To Fit Any Post Size Scale: NTS



03 **iDeal Double Drive Latch**
Fits 3/4\"/>



Finials Double Swing Estate Gate
Industrial

iDeal
aluminum
fence gates railing

DRAWING NOTES:
Don't Scale Drawings
Please See Our Estate Gate Style Sheet For
Other Options

Finials Series
Double Swing
Estate Gates

Approved By: iDeal Aluminum Quote #:
Drawn By: JMixon Drawn Date: 16-Feb-17

3200 Parker Drive Phone: 386.736.1700
St Augustine, FL 32084 Fax: 386.822.4956