

ITEM 4

MEMORANDUM

TO: Planning and Zoning Board

DATE: August 25, 2020

Public Hearing Case #2020-08-003 - Pursuant to Belle Isle Code 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 gates in the front yard of a residential property, submitted by applicant Clarence Hoenstine, located at 1903 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-5120-00-560

Background:

1. On July 31, 2020, Clarence Hoenstine submitted a request, application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, August 15, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, August 13, 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, the criteria of Section 50-102 (B) (16) and Section 42-64 of the Belle Isle Land Development Code having been met **TO APPROVE** the requested variance to place a fence with gates in the front yard of a residential property, submitted by applicant Clarence Hoenstine, located at 1903 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-5120-00-560

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 Section 50-102 (B) (16) and Section 42-64, 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 place a fence with gates in the front yard of a residential property, submitted by applicant Clarence Hoenstine, located at 1903 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-5120-00-560

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

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 7/31/2020 P&Z CASE #: 2020-08-003
☐ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: August 25, 2020

Applicant <u>Clarence Hoerstine</u>	Owner <u>Clarence & Debbie Hoerstine</u>
ADDRESS <u>1903 HOFFNER AVE, Belle Isle, FL</u>	
PHONE: <u>321-689-3346</u>	
PARCEL TAX ID #: <u>18-23-30-5120-00-560</u>	

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

DETAILED VARIANCE REQUEST: Request placing Black Aluminum Universal
spear top & Rail Fence on front property line along
HOFFNER AVE 6' height w/ 16' wide gate

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.
- 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. 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.

CHR received 8/5/2020 #462
Email to April 8/5/2020

City of Belle Isle

1600 Nela Ave.

Belle Isle, Fl. 32809

August 5, 2020

Variance Narrative

Requesting that you grant this front fence variance and fence permit for our home property at 1903 Hoffner Ave. By grantings this variance will allow us to secure our large 1.5 acre parcel and continue the same decorative Black Alumium fencing from the east side property parcel that was approved a few years ago. This placing of fencing accross the front with large gate set back would allow emergency access, but prevent unwanted vehicle traffic using our circle drive as a turn around.

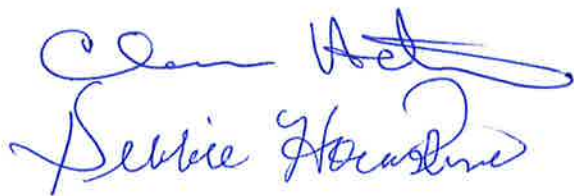
Further by granting this varaiance will not affect topograpy or soil conditions because of a flat clear area of trees and landscape. This is a minimum variance that will make possible reasonable secure use of land.

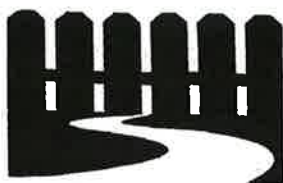
In closing, the variance will add to the residential look and harmony of Belle Isle and will not be detrimental to the public welfare or interest.

Sincerely,

Clarence and Debbie Hoenstine

321-689-3346

Handwritten signatures of Clarence and Debbie Hoenstine in blue ink. The signature for Clarence is on top, and the signature for Debbie is below it.



Byers Fence

386-457-2045

www.byersfence.com

Fence Quote

Date: 1/1

Name: Clarence Hoenstine

Phone: 321 689-3346

Address: 1903 Hoffner Ave

City, State & Zip: Belle Isle, FL

E-Mail: cmhoenstine@gmail

Total Footage 416'

Type Aluminum Wood Chainlink Vinyl
Other _____

Style Universal Spear-Top 4 Rail

Height 6' Feet _____ Inches

Color Black Other _____

of Gates: 1 Gate Width 16'

Post Caps Pyramid Other _____

Comments: Gate Operator done by other

Fence Flow: ☒ with Ground Flow
☐ Level (Stepped)

Gate Option: ☐ Flat ☒ Arched

Hinges: ☐ Wood - Standard
☐ Wood - Self Closing

☐ PVC - Standard
☐ PVC - Self Closing

☒ Metal - Standard
☐ Metal - Self Closing

Latch Options: ☐ Wood - Thumb
☐ Maxima Deluxe

☐ PVC - Standard
☐ Key Lockable

☐ Metal - Thumb
☐ Key Lockable
☐ Magnetic Lockable

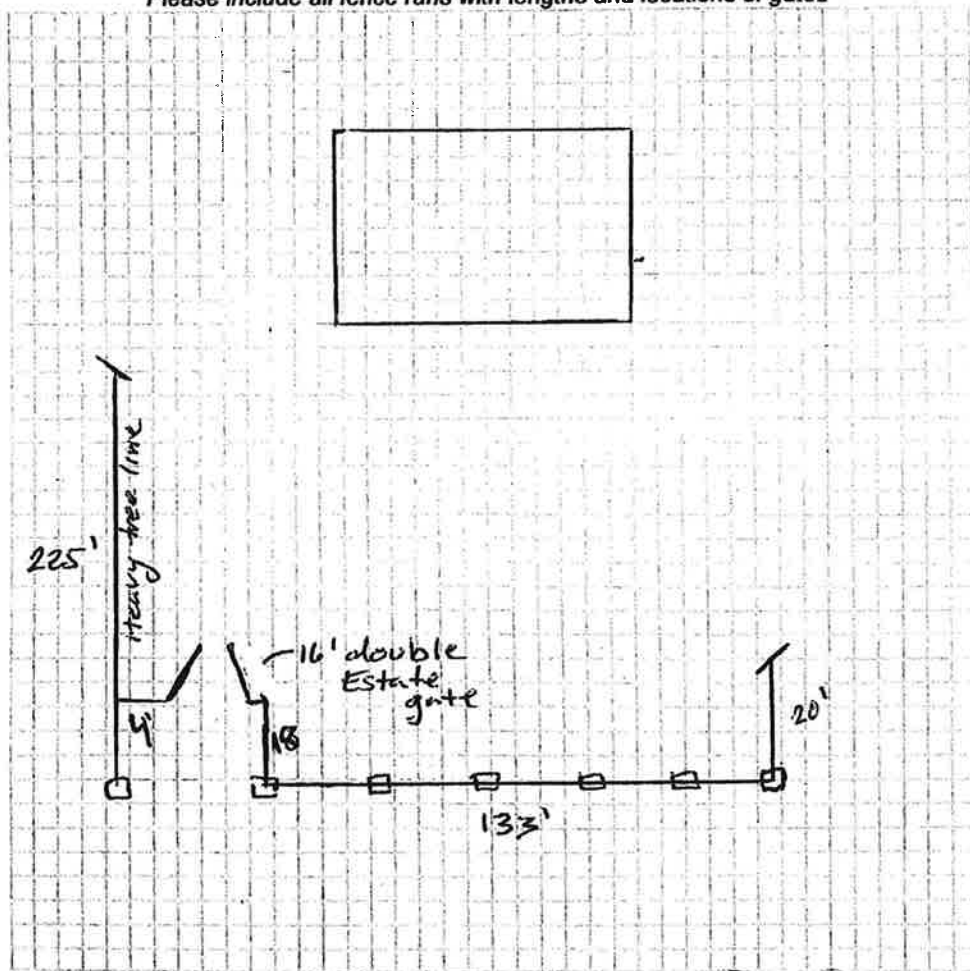
☐ Tear Out and Removal

☐ Pool Enclosure

☒ Permit Included

Notes: _____

Please include all fence runs with lengths and locations of gates



This quote is valid for 30 days.

Sign Here to Approve Layout: [Signature]

TOTAL: \$13,389.00

This quote is valid for 30 days. Price includes materials, tax, and normal installation unless specified otherwise.
Licensed and Insured Contractor in Volusia, Seminole, Orange, Lake, and Osceola.

We are here to help. Any Questions? Please Call us at 386-457-2045
or email us at: wayne@byersfence.com and feel free to visit our website at: www.byersfence.com

WARRANTY DEED

INDIVID. TO INDIVID.

Return to: (enclosed self-addressed stamped envelope)
Name: FIRST SOUTHWESTERN TITLE COMPANY OF
FLORIDA
Address: 2250 LUCIEN WAY, STE. 200
MAITLAND, FL 32751

This Instrument Prepared by: MARK BENNETT, FOR
FIRST SOUTHWESTERN TITLE COMPANY OF FLORIDA
Address: 2250 Lucien Way
Maitland, FL 32751

Property Appraisers Parcel Identification (Folio) Number(s):
18-23-30-5120-00560
File #: 34953

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed Made the 31st day of July A.D. 2002 by MICHAEL D. MEDLOCK AND SCOTT A. MEDLOCK AS CO-TRUSTEES OF THE MADGE H. MEDLOCK TRUST, PURSUANT TO TRUST AGREEMENT DATED JUNE 7, 1996 hereinafter called the grantor, to CLARENCE M. HOENSTINE AND DEBBIE A. HOENSTINE, HUSBAND AND WIFE whose post office address is 1903 HOFFNER AVE., ORLANDO, FLORIDA 32809 hereinafter called 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 \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Orange County, State of Florida, viz:

From the extreme East corner of Lot 7, Lake Conway Views, according to the plat thereof as recorded in Plat Book J, Page 46, Public Records of Orange County, Florida, run North 38 degrees 25 minutes East along County Road known as Hoffner Avenue or Conway Road 132 feet; thence North 48 degrees West parallel to Northeasterly line of Lot 5 of J. H. Livingston's Subdivision, according to the Plat thereof as recorded in Plat Book B, Page 33, of the Public Records of Orange County, Florida, 546 feet more or less to 86.4 foot contour line as set out in deed from Trustees of Internal Improvement Fund, recorded in Deed Book 961, Page 375, Public Records of Orange County, Florida; thence Southwesterly along said contour line to a point North 48 degrees West of the POINT OF BEGINNING; thence South 48 degrees East parallel to Northeasterly line of said Lot 5 of J. H. Livingston's Subdivision and along the Northeasterly side line of Lot 7, of Lake Conway Views to the POINT OF BEGINNING, and all land lying between an extension of the side line of said property Northwesterly to the waters of Lake Conway; said lands being the Southwesterly 132 feet of the Northeasterly 167 feet of Lot 5 of J. H. Livingston's Subdivision extended Northwesterly to the waters of Lake Conway.

* ** This Deed is being recorded to correct that deed recorded in O.R. Book 6580, Pg 6979 for lack of * witness and notary acknowledgement. **

Subject To covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2002 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

Together, with all the tenements, hereditament 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, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness as to Michael:

Kristen Reynolds
Printed Name:

Signature: MICHAEL D. MEDLOCK, CO-TRUSTEE

P.O. Address: 1439 ST. GOTTHARD AVE.
ANCHORAGE, ALASKA
99506



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: 7-31-2020

Permit # _____

Property Address 1903 Hoffner Ave. Belle Isle, FL ☒ 32809 ☐ 32812

Parcel ID # 18-23-30-5120-00-569 Job Cost (labor & material) \$ 13,389.00

To obtain this information, please visit <http://www.ocpafi.org/Searches/ParcelSearch.aspx>

Property Owners Name Clarence Hoenstine

Phone 321-689-3346

Fence Company Name Byers Fence

Phone 386-457-2045

Contractor Name Wayne Byers

Phone same as above

Fence Dimensions: 400' w/ two 8' gates ☒ # of Gates 2 ☐ Gate Type(s) Estate gates

Construction Type: ☐ PVC ☐ Wood ☒ Other Aluminum Style: ☐ Privacy ☐ Picket ☒ Other Universal spear top/4 Rail

- 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

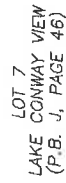
☒ Owner ☐ Agent

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 FOR / CERTIFIED TO: Clarence M. Hoenstine



* = PALM TREE (TYP)

LEGEND —

- RADIUS
CHORD LENGTH
DELTA
CHORD
CHORD BEARING
POINT ON LINE
TYPICAL
POINT OF REVERSE CURVATURE
POINT OF COMPOUND CURVATURE
RADIAL
NON-RADIAL
WITNESS POINT
CALCULATED
FRANKLIN REFERENCE MONUMENT
ELEVATION
BUILDING SETBACK LINE
BENCHMARK
BASE BEARING

NOTES: 1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472-027 FLORIDA STATUTES.

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DATE _____
SPECIFIC PURPOSE SURVEY 03-11-08

החברת:

~~THIS BUILDING/PROPERTY~~ ~~LIE WITHIN~~
~~THE ESTABLISHED 100 YEAR FLOOD PLANE AS PER "FIRM"~~
~~ZONE~~ ~~PANEL #~~

JAMES W. SCOTT, R.L.S. # 4801
JOSEPH E. WILLIAMSON, R.L.S. # 6573