



# City of Belle Isle



1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 \* Fax 407-240-2222 \* www.belleislefl.gov

2023-05-008

## Variance and Special Exception Application

City Code Chapter 42, Art. II, Sec. 41-61 thru 41-72 AND Sec 42-64 Land Development Code

APPLICANT Stone Shif	OWNER Stone Shif
ADDRESS 2503 Homewood Dr.	PROJECT ADDRESS 2503 Homewood Dr.
CONTACT NUMBER 407 902 8511	OWNER'S CONTACT NUMBER 407 902 8511
EMAIL sshifwps@gmail.com	OWNER'S EMAIL sshifwps@gmail.com
PARCEL ID# 19-23-30-5888-02-100	
LAND USE CLASSIFICATION 0100-Single Family	ZONING DISTRICT R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON 50-102(b)(6)	
DETAILED VARIANCE REQUEST	
1) Replacement of existing, grandfathered, fence located inside of current ROW code. Approx length of existing fence line is 43'	
2) Extend the 43' ROW backyard fence line an additional 10' into the side-yard to increase privacy of pre-existing sunroom addition. Total requested fence line inside the ROW ~ 53'	
<ul style="list-style-type: none"><li>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 nine (9) months. Further, the requested user does not violate any deed restriction of the property.</li><li>By applying, I authorize City of Belle Isle employees and members of the P&amp;Z Board to enter my property during reasonable hours to inspect the area to which the application applies.</li><li>The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies.</li></ul>	
APPLICANTS SIGNATURE	OWNER'S SIGNATURE
	
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION
<input type="checkbox"/> OTHER	P&Z CASE NUMBER 2023-05-008
	DATE OF HEARING 6/27/2023

**Sec. 42-64. - Variances.** The Board shall have the power to approve, conditionally approve or deny applications for a 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



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

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 comply 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 Board's discretion, such variance may be revoked for violation of the condition and 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. Under no circumstances, except as permitted above, shall the Board grant a variance to allow a use not generally or by special exception allowed 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.

**Applications submitted must meet all of the above criteria before the Board can grant a variance.** The burden of proof is on the applicant to comply with the criteria.

A special exception addresses the compatibility of uses, differing slightly from a variance. The approval of a special exception depends on how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

- 1. A written application for a special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
- 2. The Board shall find that it is empowered under the section of the zoning ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest.
- 3. It is determined that public health, safety, comfort, order, convenience, prosperity, morals, or general welfare is promoted, protected, or improved.

**General Information**

- 1. Certain conditions may be prescribed on the special exception or variance approved by the Board.
- 2. The applicant must be present at all hearings.
- 3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period allows all aggrieved parties to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where they feel the Planning and Zoning Board erred in their decision. Belle Isle's City Council will then hold an appeal hearing.
- 4. Sec 42-61 thru 41-72 - Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

FOR OFFICE USE ONLY:  
FEE: \$300

5-2-23  
Date Paid

150  
Check/Cash

JD  
Rec'd By



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## ABOUT YOUR PUBLIC HEARING

The following information is provided to assist applicants in applying for a variance, special exception, or use determination. Please familiarize yourself with the process by visiting

The City of Belle Isle's Planning and Zoning Board, which comprises seven (7) non-paid volunteer residents, meets on the fourth Tuesday of the month to hear various planning and zoning issues, including variances, special exceptions, and use determinations. In recommending approval or denial of a request, the Board looks at each application individually to determine if the request meets the following criteria:

A written application for a **variance must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month.** The application **MUST** include:

- a. the \$300 filing fee,
- b. a completed application form,
- c. proof of ownership of the property, or a notarized statement from the owner with the representative's information,
- d. Ten (10) copies of a plot plan or survey showing all improvements to the property, ten copies of a scale drawing of the planned construction, illustrated on the survey, and digital format for large-scale documents is required.
- e. For boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- f. **A narrative addressing how the variance complies with the following:**

*Standards of Variance Justification	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 a written document and submit it to the City as part of your variance request.
Special Conditions and/or Circumstances Section 42-64 (1) d	The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship. That 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. <b>WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY?</b> <b>WHAT WOULD BE THE UNNECESSARY HARDSHIP?</b>
Not-Self- Created Section 42-64 (1) e	The applicant must prove that the special conditions and circumstances do not result from the applicant's actions. A personal (self-created) hardship shall not justify a variance; i.e., when the applicant creates the alleged hardship, they are not entitled to relief by their conduct. <b>HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?</b>
Minimum Possible Variance Section 42-64 (1) f	The applicant must prove that the zoning variance is the minimum variance that will make the reasonable use of the land, building, or structure possible. <b>CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY?</b> <b>LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.</b>
Purpose and Intent Section 42-64 (1) g	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. <b>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).</b>

**\*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, and you do not have to comply with Sec. 42-64 (1) d and (1) f.**

Applicant: Stone Shif  
Address: 2503 Homewood Dr, Belle Isle, FL 32809

To whom it may concern,

This variance request is for the replacement of an existing fence that is grandfathered into a location that is not encompassed by current ROW code. I, Stone Shif, am the homeowner of this property and currently reside in such with my wife, Grace.

Request:

The fence that exists in the backyard of my property was inherited with the purchase. The fence is constructed of wood and currently has (1) single swinging gate. The South facing panels + gate assembly is currently detached from the assembly and not functional from hurricane damage. This condition is consistent throughout the entire fence erection and no longer serves purpose of 1) privacy 2) appropriate expectation of property condition for Belle Isle residents.

This fence does not have a permit on file, but with use of google street view, it can be estimated that this fence was constructed well before Nov. 2007. To bring my fence back to acceptable aesthetic condition, as well as adequate privacy levels, the fence needs to be reconstructed fully - rather than "repaired" or "maintained".

This variance request is specifically for the replacement of the existing 43' stretch plus a requested 10' extension into the home's side-yard along the ROW to provide privacy for a previously converted sunroom extension. This 53' section is bordering the intersection of Island St. and Trace Ave. The fence line is currently at the concrete curb. This creates an issue with sec. 50-102(b)(6) ;

"in residential districts, no fence or wall shall be erected or maintained within 20 feet of a corner intersection of street rights-of-way. No fence or wall shall be constructed in the right-of-way."

The fence, at this location of the property, is approx. 10' from the center of the intersection. To bring the fence up to code at this location, approx. 530 Square Feet of fenced backyard will be lost. In addition to this loss of back yard space, the concrete pool slab will be exposed on the exterior of the fence and in the ROW. The pool and slab were constructed in 1957.

The replacement of our derelict fence will not only bring back the privacy our backyard once had, but will also improve the appearance of both our yard and the (2) neighboring yards as well. We have written consent from all (4) neighbors within 50' of the fence footprint - which includes the understanding that the fence will be reconstructed in the current location inside the ROW. Additionally, although considered in the right of way, the location of this fence as it currently is erected does not obstruct view of traffic as approached from any direction.

**Special Conditions:** Portion of concrete pool deck would be exposed on the outside of fence line and in the ROW. Concrete Pool Deck + Pool construction occurred in 1957, much before existing ROW code was in place.

**Not-Self-Created:** Pool deck and pool were constructed in 1957, prior to my ownership of the property. The fence was erected before 2007, without a permit, before my ownership of the property.

**Minimum Possible Variance:** To accomplish the objective of retaining the concrete pool deck inside the fence line in satisfaction with ROW code, major construction/ re-construction would be needed.

**Purpose and Intent:** To replace a derelict fence with a footprint of 43 linear feet and add 10' of ROW fence line. As mentioned above, neighbors are aware of such and have signed with approvals and understanding that the fence will be replaced in the current footprint with the addition into our side yard. Fence replacement is the only option, as repair and maintenance will not be sufficient in bringing back adequate neighborly appearance or homeowner privacy.

Thank you,  
Stone Shif

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Stone Shif'.

Previous

Next

Print

Map

Street

Birdseye

Trim

Port

Estimat

Taxes

FEMA

Plat

Sketch

Share

Favorite

# 2503 Homewood Dr 19-23-30-5888-02-100

Name(s):

Shift Stone A

Physical Street Address:

2503 Homewood Dr

Property Use:

0103 - Single Fam Class III

Mailing Address On File:

2503 Homewood Dr

Postal City and Zip:

Orlando, FL 32809

Municipality:

Belle Isle

Incorrect Mailing Address?

View 2022 Property Record Card

302319588802100 10/02/2006  
Upload Photos

PROPERTY FEATURES

VALUES, EXEMPTIONS AND TAXES

SALES

MARKET STATS

LOCATION

2023 Values will be available in August of 2023. To see the certified values, go to the Values, Exemptions and Taxes Tab.

View Plat

Property Description

NELA ISLE (ISLAND SECTION) 0/99 LOT 10 BLK B

Total Land Area

GIS Calculated

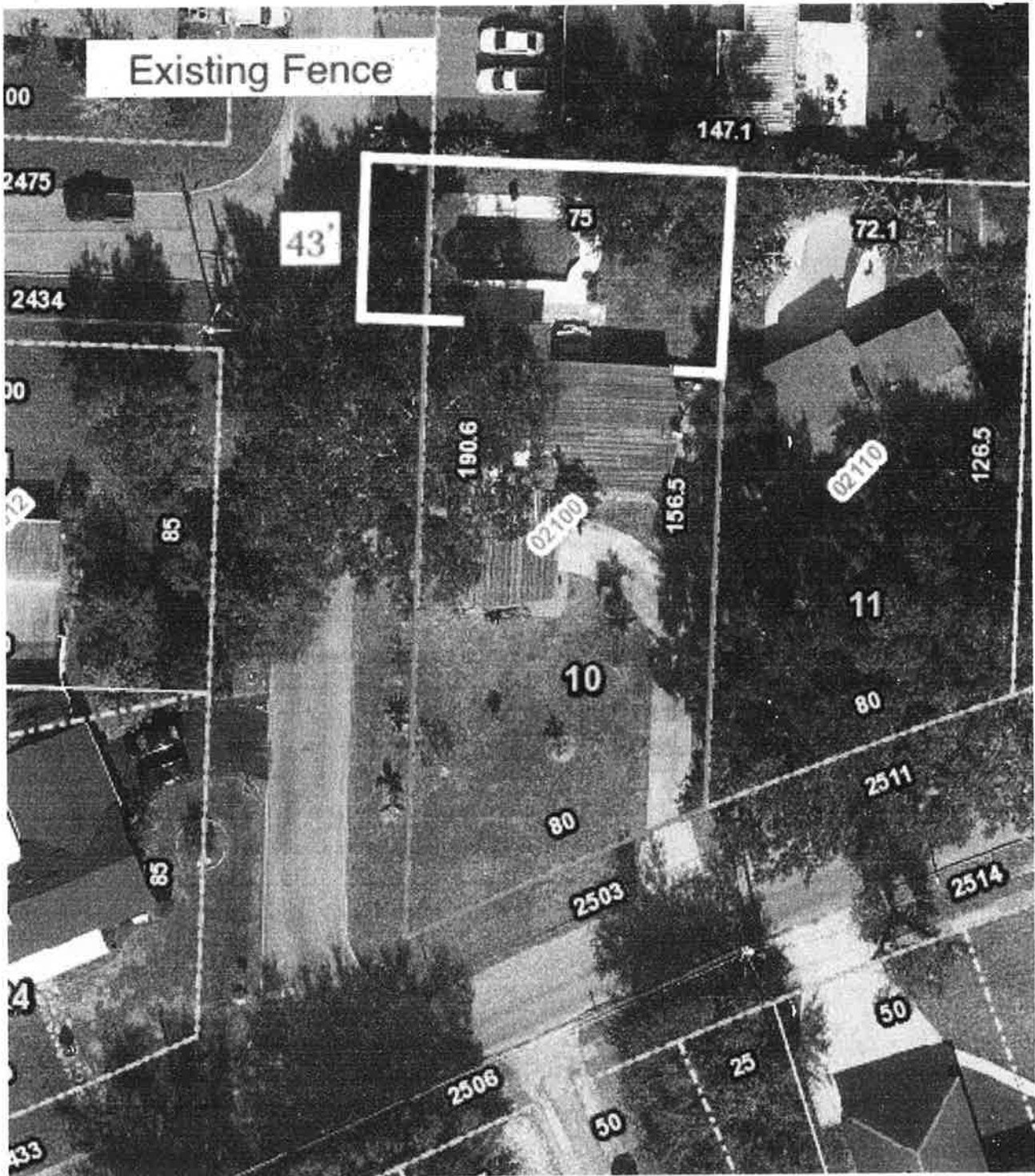
Notice

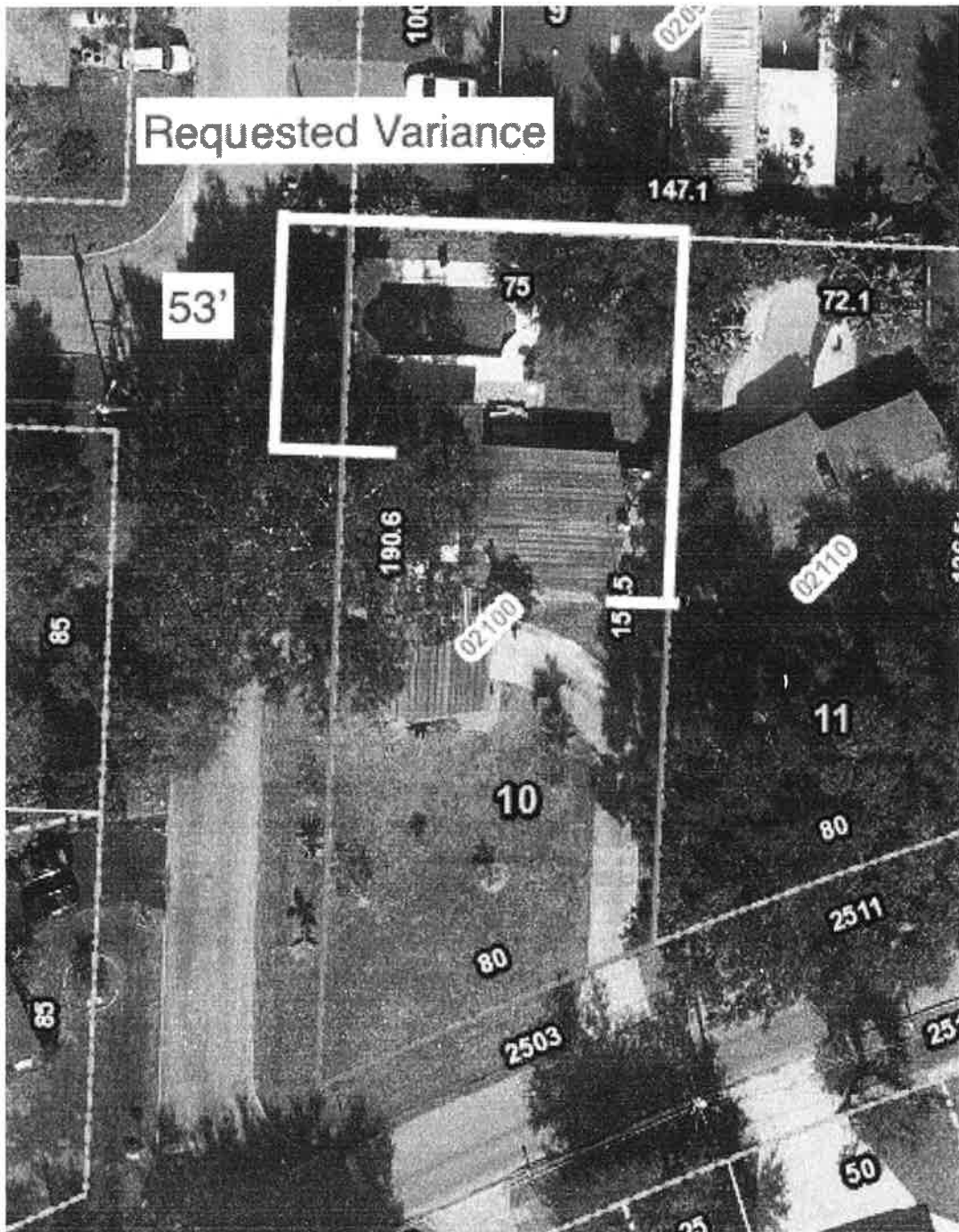
12,499 sqft (+/-) | 0.29 acres (+/-)

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0100 - Single Family	R-1-AA	1 LOT(S)	Working Value...	Working Value...	Working Value...	Working Value...











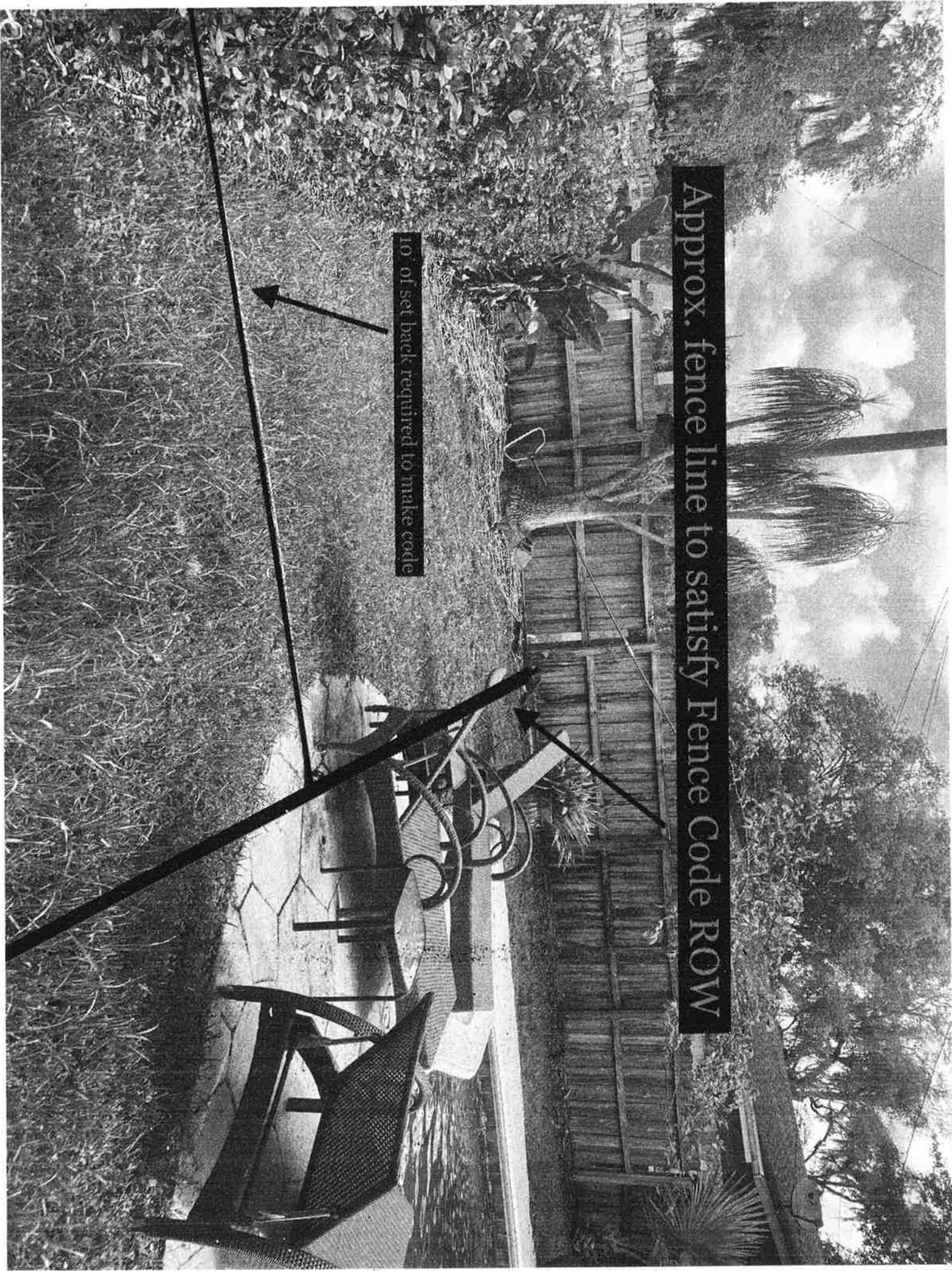
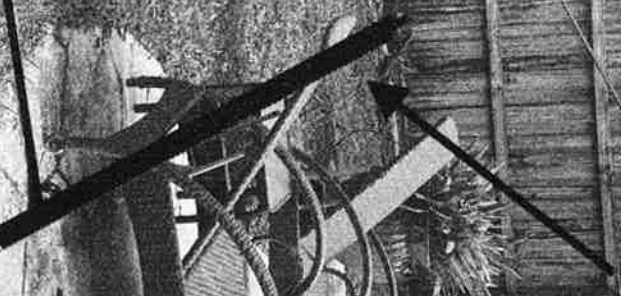
View of 2503 Homewood Dr.

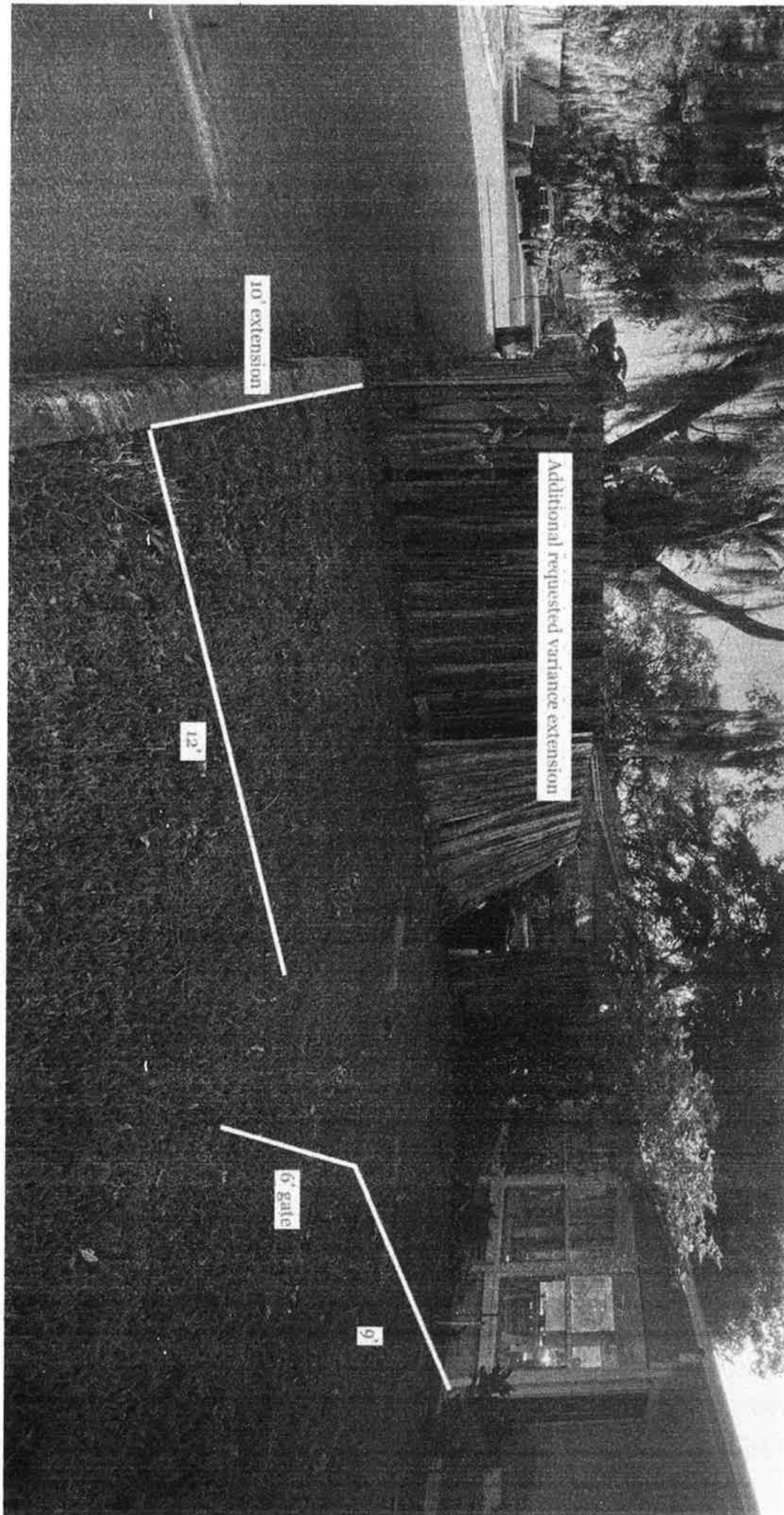




Approx. fence line to satisfy Fence Code ROW

10' of set back required to make code







Alternate View - Facing East on Trace Ave.

Additional 10' of length requested in variance







Area of request

Facing North on Island St.

Area of Request

