
NOTICE OF PUBLIC MEETING

NOVEMBER 28, 2017 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 4

MEMORANDUM

TO: Planning and Zoning Board

DATE: November 17, 2017

Public Hearing Case #2017-10-013 - 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 in the front yard of a residential property, submitted by applicant John W. Holloway located at 6201 Matchett Road, Belle Isle, FL 32809 also known as Parcel #24-23- 29-3400- 00-162.

Background:

1. On October 5, 2017, John W. Holloway submitted the application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, November 18, 2017 Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Wednesday, November 15, 2017.

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 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 Code Section 50-102(b) and Sec. 42-64 of the Belle Isle Land Development Code having been met to approve this request for a variance to place a fence in the front yard of a residential property, submitted by applicant John W. Holloway located at 6201 Matchett Road, Belle Isle, FL 32809 also known as Parcel #24-23- 29-3400- 00-162..

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code, Section 50-102(b) and Sec. 42-64, having NOT been met; [use only if NONE of the justifying criteria have been met] the requirements of section 42-64(1) 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 to place a fence in the front yard of a residential property, submitted by applicant John W. Holloway located at 6201 Matchett Road, Belle Isle, FL 32809 also known as Parcel #24-23- 29-3400- 00-162.

SUBSECTION (D), 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.



April Fisher, AICP
fisherpds@outlook.com
407-494-8789

November 16, 2017

Variance Application: 6201 Matchett Road

Applicant Request: Variance to allow a fence in the front yard

Existing Zoning/Use: R-1-AA/ single-family home

Review Comments

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow a fence in the front yard. The code expressly prohibits fences or walls in the front yard of a property. The applicant is seeking a variance to allow a 4-foot dark green vinyl coated chain link fence to run for 510 linear feet to the front property line on its north property boundary, which would encroach into the required 30-foot front yard setback plane.

The board in granting an application for the variance may consider as justifying criteria, the following from Sec. 50-102 (b) (16):

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction materials of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional privacy or security need of applicant.

The requirements of Sec. 42-64 (1) except for subsections 42-64 (1) (d) and (1) (f) shall otherwise be met.

The applicant has provided information supporting the variance request. Please see this information enclosed with this agenda item packet.

Staff Recommendation

Based on the applicant's identification that creating a physical barrier between the subject property and those to the north of it will delineate that it is not part of a park, this will provide security and safety from others entering the property by mistaking it as a continuous park, staff recommends approval of the requested variance. These items identified are consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) and the required criteria in Sec. 42-64 (1).

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 10/5/17

P&Z CASE #: 2017-10-D13

VARIANCE SPECIAL EXCEPTION OTHER

DATE OF HEARING: _____

APPLICANT: John W. Holloway

OWNER: John W. Holloway, individually

ADDRESS: 6201 Matchett Rd.

and John W. Holloway, as Trustee

Belle Isle, FL 32809

of the John W. Holloway Homestead Trust,

PHONE: (407) 855-7622

u/d July 12, 2012

PARCEL TAX ID #: 24-23-29-3400-00-162

LAND USE CLASSIFICATION: Low Density Residential ZONING DISTRICT: R1AAA

DETAILED VARIANCE REQUEST: 4' commercial grade vinyl coated chain link fence with folded wire ends (top and bottom) between 6201 Matchett Road and 6135 Matchett Road, in the field along the north property line connecting to existing fence on the east and a hedge on the west

SECTION OF CODE VARIANCE REQUESTED ON: 50-102 (b)(5)a

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.

[Signature]
APPLICANT'S SIGNATURE individually

[Signature]
OWNER'S SIGNATURE individually, and as Trustee

FOR OFFICE USE ONLY:	FEE: \$150.00	<u>10/5/17</u> Date Paid	<u>18804</u> Check/Cash	<u>HKV</u> Rec'd By
Determination _____				
Appealed to City Council: <input type="checkbox"/> Yes <input type="checkbox"/> No		Council Action: _____		

Lisa Davis 4/07 855 4712

DOCH 20120382080 B: 10411 P: 2473
07/18/2012 11:02:56 AM Page 1 of 3
Rec Fee: \$27.00
Deed Doc Tax: \$0.70
DOR Admin Fee: \$0.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Martha O. Haynie, Comptroller
Orange County, FL
PU - Ret To: DEAN MEAD EGERTON BLOODWO


This Instrument Prepared By:
Jonathan D. Wallace, Esquire
DEAN, MEAD, EGERTON, BLOODWORTH,
CAPOUANO & BOZARTH, P.A.
Post Office Box 2346
Orlando, Florida 32802-2346
(407) 841-1200

776

Parcel Identification No.: 24-23-29-3400-00-162

GENERAL WARRANTY DEED

GRANTOR: JOHN W. HOLLOWAY, a single man
GRANTEE AS
TO LIFE ESTATE: JOHN W. HOLLOWAY, a single man
GRANTEE AS TO
VESTED REMAINDER: JOHN W. HOLLOWAY, not individually, but solely as Trustee of
the JOHN W. HOLLOWAY HOMESTEAD TRUST, established
and created under a written trust agreement dated effective as of
July 12, 2012, as the same may have been, or may hereafter be,
amended from time to time
GRANTOR'S ADDRESS: 6201 Matchett Road, Orlando, Florida 32809
GRANTEE'S ADDRESS: 6201 Matchett Road, Orlando, Florida 32809
PROPERTY LOCATION: Orange County, Florida

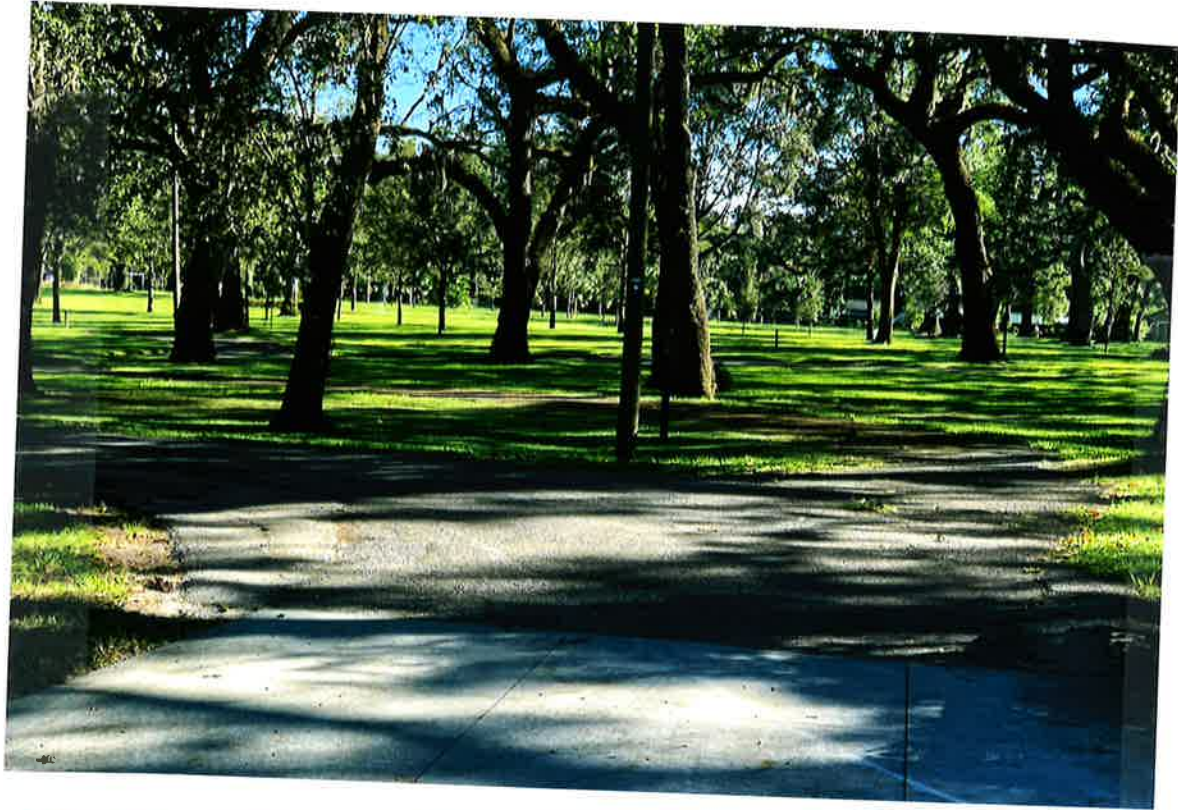
THIS INDENTURE, WITNESSETH: That the above-named Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, the receipt and sufficiency of which consideration is acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the above-named Grantee, the below-specified estates in and to the real property described in Exhibit "A", attached hereto and made a part hereof:

- (a) unto JOHN W. HOLLOWAY, a single man, a life estate; and
- (b) unto JOHN W. HOLLOWAY, not individually, but solely as Trustee of the JOHN W. HOLLOWAY HOMESTEAD TRUST dated July 12, 2012, a vested remainder fee simple interest and estate to become possessory upon the death of JOHN W. HOLLOWAY, the life tenant.

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

EXHIBIT "A"

Northerly 160 feet of the Southerly 325 feet of Lot 16 of HARNEY HOMESTEAD, lying East of Matchett Road and measured parallel to said road, according to the plat thereof recorded in Plat Book "C", Page 53, Public Records of Orange County, Florida.



ADVANTAGE

ONE SOURCE

SPSV

Color Fencing System



SPSV

SPS STEPHENS

PIPE & STEEL



GRAND RAPIDS, MICHIGAN 800-850-3433

GREENSBORO, NORTH CAROLINA 800-582-1533

MELBOURNE, FLORIDA 800-290-7473

HAYDEN, ALABAMA 800-521-3810

MOUNT STERLING, OHIO 800-742-3467

PORT ALLEN, LOUISIANA 866-219-4336

BLADENSBURG, MARYLAND 866-792-5295

MANCHESTER, CONNECTICUT 877-777-8721

National Headquarters RUSSELL SPRINGS, KENTUCKY 270-866-3331 or 800-451-2612

YOUR SUPPLIER FOR:

- Largest Pipe and Tube Inventory in the US**
- Chain Link Fabric, Framework, Gates and Accessories**
- Galvanized | PVC-Coated | DuraLast™ Powder-Coated**
- Centurion Ornamental Fence and Gates**
- OnGuard™ Aluminum Gates and Cantilevers**
- High Security Mini Mesh**
- WeatherShield Windscreen**
- Generations™ PVC Fencing**
- Modular and Boxed Kennel Systems**
- OnGuard Security Fence Systems**
- SiteGuard™ and Temporary Fencing**
- Extended Lengths in 2-1/2", 3" and 4"**



Extruded Vinyl Chain Link Fabric

Vinyl chain link fabric from Stephens Pipe & Steel matches your security and enclosure requirements with the appeal that allows the finished fence to blend in or nearly disappear depending on the colors of vinyl chosen. The jacket, of extruded vinyl chain link fabric from Stephens Pipe & Steel, encompasses the steel core making the product suitable for most residential or light commercial applications.

Meets the tenets of ASTM F668, RR-F-191, AASHTO M 81

Vinyl Class 2A Extruded & Bonded Vinyl Chain Link Fabric

Greater life and protection from the environment is afforded for Class 2A by creating an adhesive bond between the vinyl coating and the core wire. This product offers excellent life for residential and commercial installations. Available in meshes from 3/8" to 2 3/8" and in heights up to 20'.

Meets the tenets of ASTM F668, RR-F-191, AASHTO M 81

Vinyl Class 2B Fused and Bonded Chain Link Fabric

Stephens Pipe & Steel offers this product as its premium vinyl solution. The vinyl coating is thermally fused to the galvanized steel core making it ideal for the most difficult of environmental conditions. Available in meshes from 3/8" to 2 3/8" and in heights up to 20'.

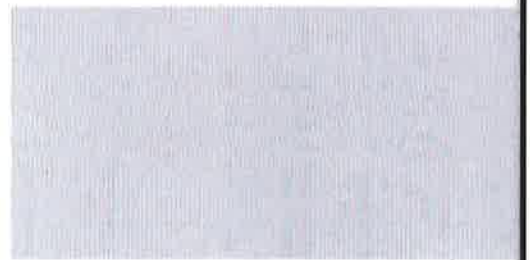
Meets the tenets of ASTM F668, RR-F-191, AASHTO M 81

SPSV Framework and Accessories

After thorough cleaning, the SPSV framework materials are primed and then PVC coated to meet the most rigid government and ASTM specifications. Our industrial-grade vinyl framework is available in Schedule 40, SS 40 and 20 type products and structural weight pipe. A wide variety of O.D.s and gauges can be coated to meet your needs. All of our hardware items are primed and then coated in accordance with ASTM 626. Available in Ensor Green, Woodland Green, Brown and Black. Other non-stock colors are available.

Framework meets the tenets of ASTM F1043

Fittings meet the tenets of ASTM F 626

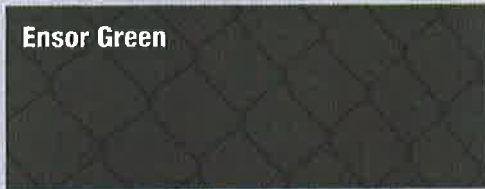


COLOR CHART

Woodland Green



Ensor Green



Black



Brown



(Actual color may vary from samples above.)

Offer your customers the safety and security of chain link with the aesthetics of vinyl. Mesh sizes as small as 3/8" in Extruded, Extruded & Bonded (Class A) and Fused & Bonded (Class B).

Ideal for installations including:

RESIDENTIAL

RECREATIONAL FACILITIES

HIGHWAYS

INDUSTRIAL & MANUFACTURING FACILITIES

PRISONS

SCHOOLS & OTHER INSTITUTIONS

AIRPORTS

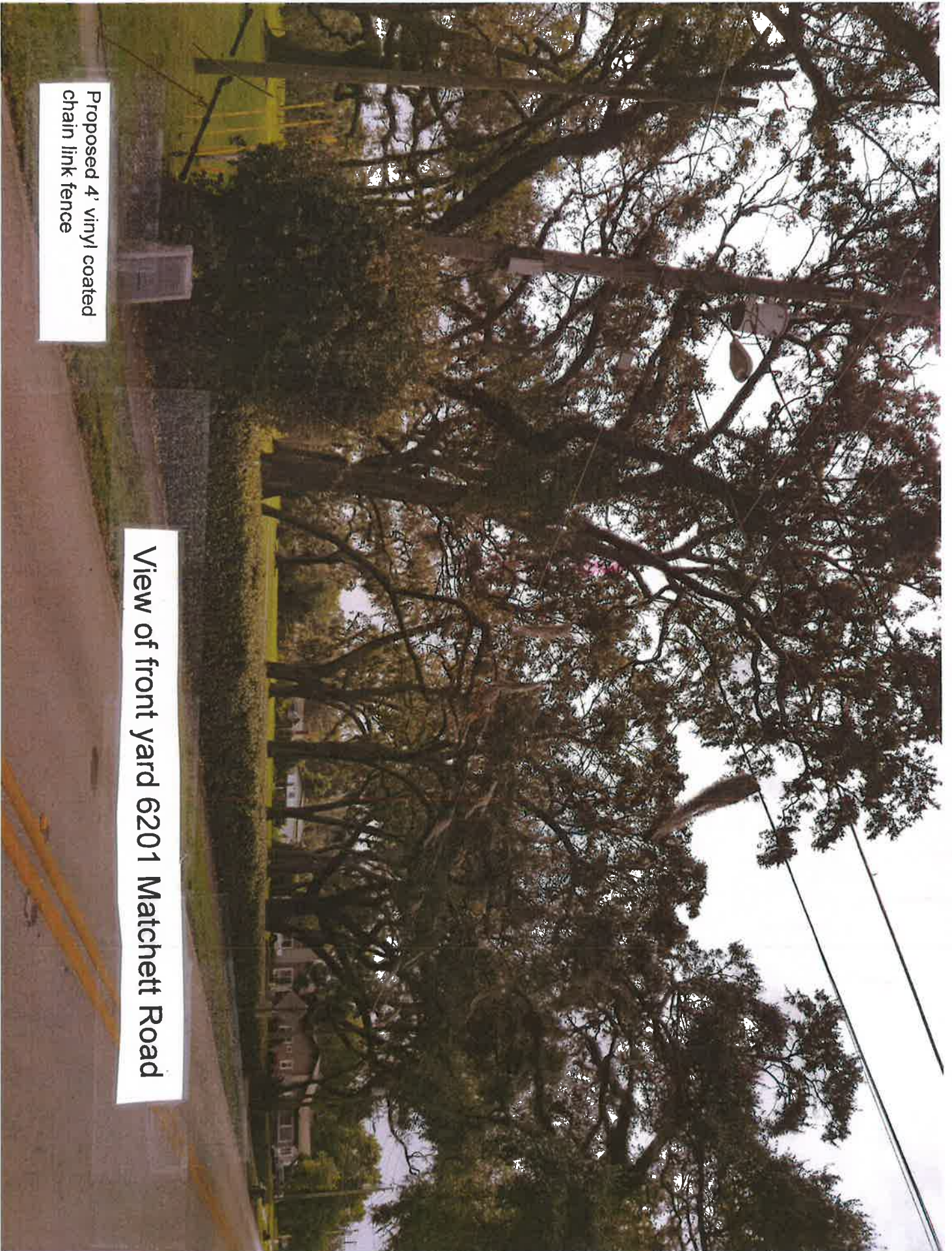
TENNIS COURTS

PORTS

SPSV Color Fencing System is available through any of our offices nationwide.

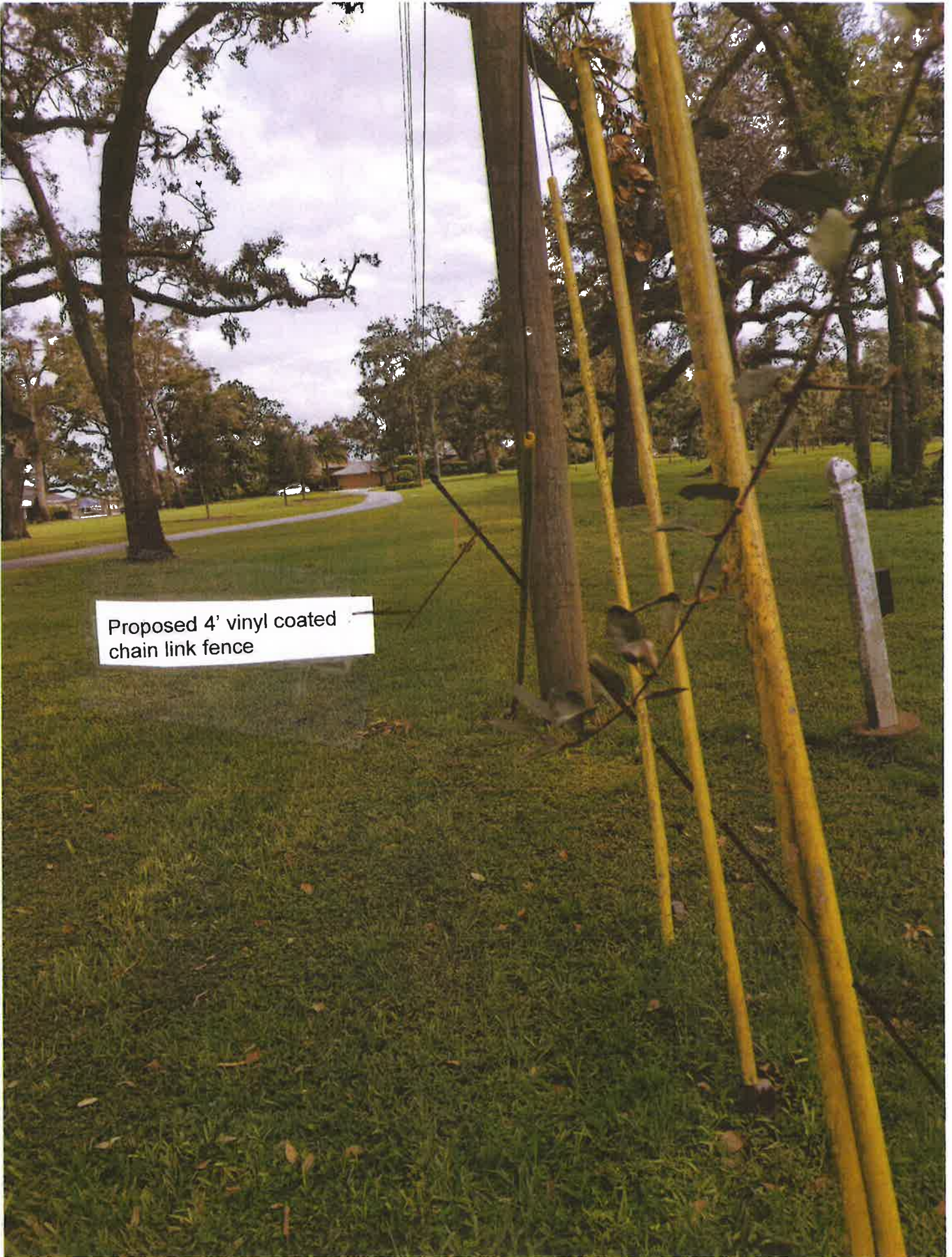


P.O. Box 618
Russell Springs, KY 42642
800-451-2612
www.spsfence.com



Proposed 4' vinyl coated
chain link fence

View of front yard 6201 Matchett Road



Proposed 4' vinyl coated chain link fence



Proposed 4' vinyl coated -
chain link fence