

ITEM 4
MEMORANDUM

TO: Planning and Zoning Board

DATE: October 27, 2020

PUBLIC HEARING CASE #2020-10-001- PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), 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 APPLICANTS MICHAEL AND LISA GENTILE LOCATED AT 7606 DAETWYLER DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-8036-02-020.

Background:

1. On September 29, 2020, Michael and Lisa Gentile submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, October 17, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, October 15, 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, pursuant to Belle Isle Code SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64 and Sec. 48-34 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 APPLICANTS MICHAEL AND LISA GENTILE LOCATED AT 7606 DAETWYLER DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-8036-02-020**

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 SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 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 APPLICANTS MICHAEL AND LISA GENTILE LOCATED AT 7606 DAETWYLER DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-8036-02-020**

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.



April Fisher, AICP
PRESIDENT

407.494.8789
fisherpds@outlook.com

October 15, 2020

Variance Application: 7606 Daetwyler Drive

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), 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 APPLICANTS MICHAEL AND LISA GENTILE LOCATED AT 7606 DAETWYLER DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-8036-02-020.

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 six-foot high chain link fence with black aluminum bell arch gate in the front yard of the property. The chain link fence will be behind existing landscaping and not visible from Daetwyler Drive. The code expressly prohibits fences or walls in the front yard of a property. A variance is required before the proposed fence can receive a building permit.

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 because of the deep lot configuration, security is a primary issue for installing the fence and gate in the front yard, staff recommends approval of the requested variance. This is consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) which the Board may consider as justifying criteria according to the code.

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 9/29/2020

P&Z CASE #: 2020-10-001

☐ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING: 10/27/2020

APPLICANT: MICHAEL/LISA GENTILE

OWNER: SAME

ADDRESS: 7606 DAETWYLER DR.

ORLANDO, FL. 32812

PHONE: 407.947.3993

PARCEL TAX ID #: 29-23-30-8036-02-020

LAND USE CLASSIFICATION: R-1-AA ZONING DISTRICT: 4

DETAILED VARIANCE REQUEST: INSTALLATION OF 6' BLACK CHAIN LINK FENCE & A SET OF BLACK ALUMINUM BELL ARCH ESTATE GATES. ALL CHAIN LINK FENCE WILL BE BEHIND EXISTING LANDSCAPING NOT VISIBLE FROM DAETWYLER DR. ESTATE GATES WILL BE ACROSS EXISTING DRIVEWAY SET BACK APPROX. 40' FROM THE EDGE OF DAETWYLER DR.

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.

[Signature]
APPLICANT'S SIGNATURE

[Signature]
OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

10/01/2020
Date Paid

#1102
Check/Cash

Hrp
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

Michael/Lisa Gentile
7606 Daetwyler Dr.
Orlando Fl. 32812

September 29, 2020

City of Belle Isle Florida
Planning & Zoning

Dear Planning & Zoning Board,

We are applying for a variance to install a 6' black chain link fence with (2) 8' wide black aluminum bell arch estate gates across the front of our property, set back approx.. 40' from the edge of Daetwyler Dr. behind our existing landscaping.

1. "What are the special conditions and circumstances unique to your property? What would be the unnecessary hardship?"

Our property is narrow and deep which resulted in the original home builder constructing the garage in front of the house, this caused there to be no visibility of the front of the house from the street. This created a good environment for break in's without being seen. We have had our front door kicked in & been robbed on 2 occasions in the last 10 years.

Daetwyler Drive has become a lot more travelled as people use it to bypass a congested Conway Rd. & speeding on Daetwyler has increased also.

We have pets and are concerned for their safety running into traffic.

In the past we have had random people who have come onto our property wanting to fish & swim in the lake, in doing some research there are several AIR-B-BNB rentals in the neighborhood on the East side of Daetwyler Dr. & their website lists lake access as an amenity. In talking to several of the people who have come on our property, they didn't know where the public area was & thought our property was the public area.

I travel quite a bit, Lisa & our 2 daughters would feel safer with a fence/gate to keep unwanted people from coming onto our property.

2. "How were the special conditions noted above created?"

The front door not visible from the street, this house was originally built in the 1930's I would imagine curb appeal & security were not as important as it is today. Thieves have a very good cover once they get between our garage & front door.

The foot traffic coming to fish & swim, could be attributed to the fact you can see the lake clearly from the road.

The increase in traffic & speeding on Daetwyler are a result of urban sprawl & Conway being a desired place to live.

3. "Can you accomplish your objective in another way? List alternatives you have considered & evidence why they are not feasible."

I do not believe that there is a better alternative for my family's safety, by not putting up a fence/gate.

A home alarm, security camera's & a 110lb. Mastiff have not deterred us from being robbed twice. While we do realize there is nothing that is fool proof as far as safety, we do believe a fence/gate would be one more deterrent in the effort to protect our family & property.

4. "What effects will approval of the variance have on adjacent properties or the surrounding neighborhoods?"

Approval should have no effect on the adjacent properties as both adjacent properties have been granted (this year) the variance we are applying for. Approval of our variance will allow us to match the adjoining properties with the same look.

Approval of our variance will have no effect on the surrounding neighborhood since the fence would not be able to be seen due to being behind our existing landscaping.

Thank you for your consideration.

Mike & Lisa Gentile

Michael/Lisa Gentile
7606 Daetwyler Dr.
Orlando Fl. 32812

September 29, 2020

City of Belle Isle Florida
Planning & Zoning

Dear Planning & Zoning Board,

Lisa & I are requesting a variance to allow us to install a 6' Black Chain Link Fence & Black Aluminum Bell Arch Estate Gate on our property located at 7606 Daetwyler Dr.

The chain link fence will be installed approx. 40' from the edge of Daetwyler Dr. inside our property behind our existing landscaping, this placement will make the fence unable to be seen from Daetwyler Dr. The aluminum estate gate will also be set back approx.. 40' from the edge of Daetwyler Dr. across our driveway.

We would ask for consideration of this matter based on our answers submitted in the variance request & that (3) variances have been granted to the properties located on both adjoining property lines, on each side of us at 7600 Daetwyler Dr. Pete Clark residence, 7612 Daetwyler Dr. Kevin Lee residence & also a property at 7464 Daetwyler Dr. Jim Severtson residence.

We are proposing to use the exact materials & contractor (Datson Fence, Dan Colpits) that our neighbors have used.

Thank You for your consideration.

Mike & Lisa Gentile

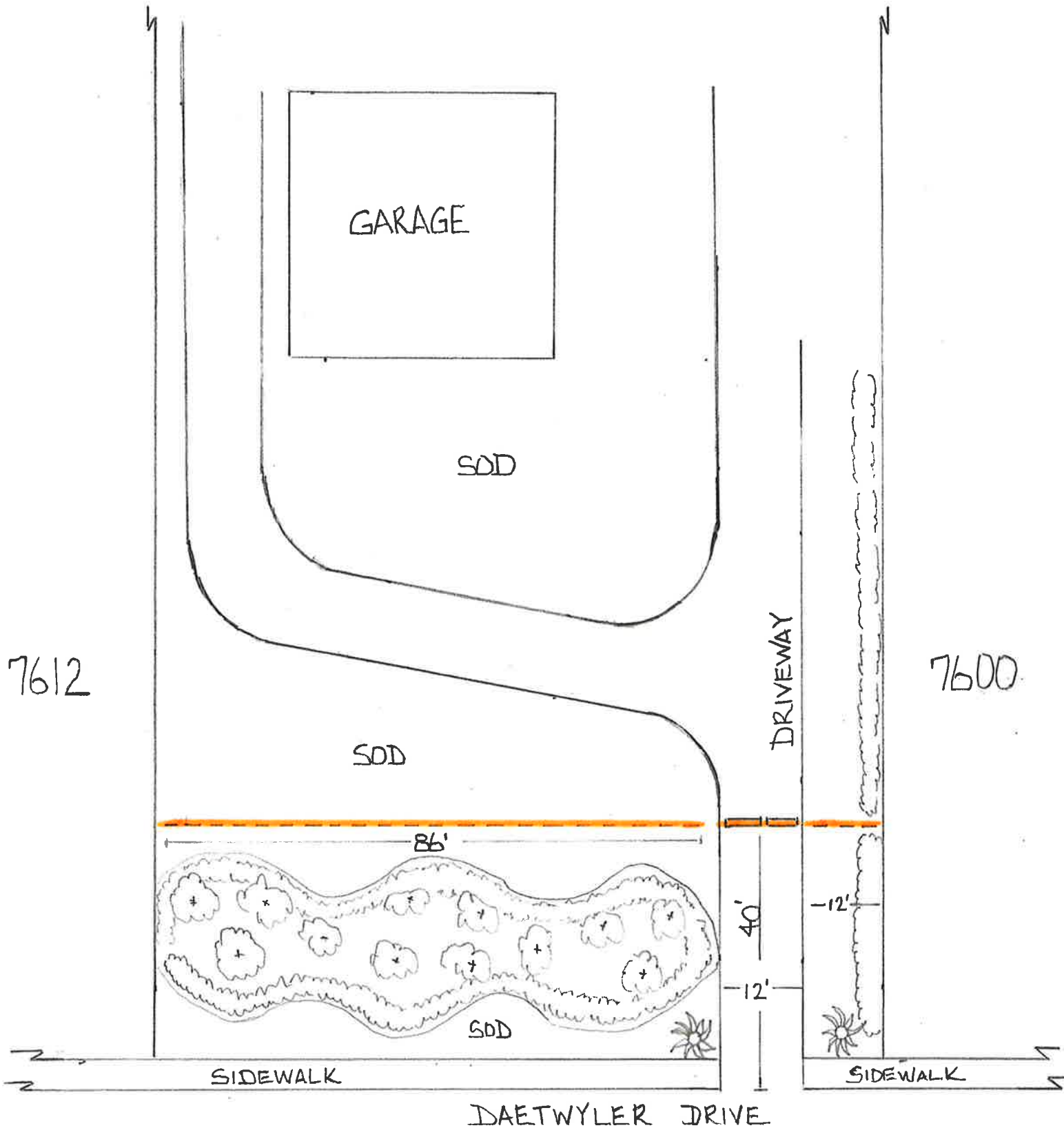
MIKE/LISA GENTILE
7606 DAETWYLER DR.



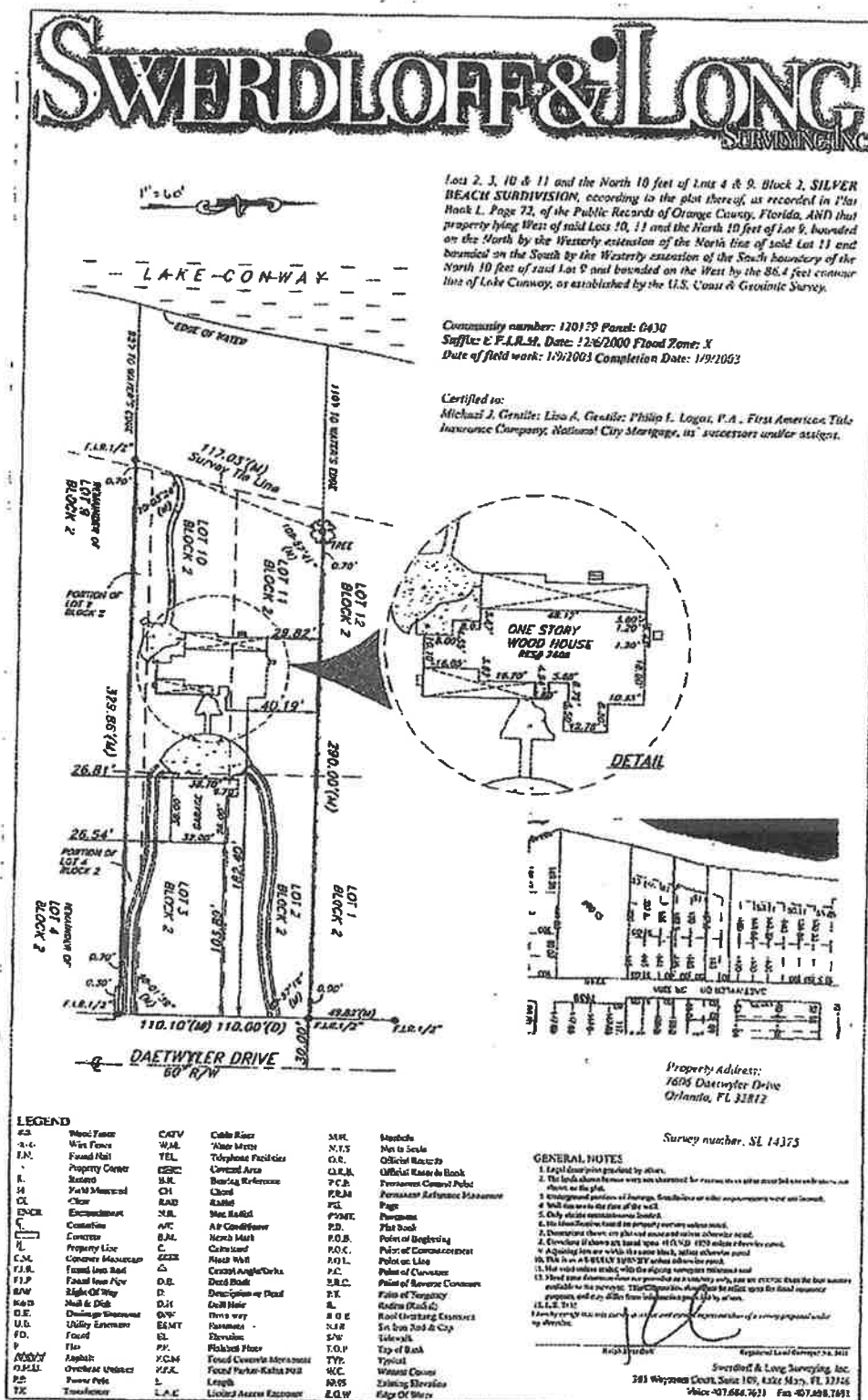
PROPOSED FENCE

PROPOSED GATES

1" = 20'



TO: Michael Gentile COMPANY:





Heidi Peacock <hpeacock@belleislefl.gov>

Fwd: Gentile variance request

1 message

Yolanda Quiceno <yquiceno@belleislefl.gov>
To: Heidi Peacock <hpeacock@belleislefl.gov>

Wed, Sep 30, 2020 at 10:12 AM

Add to packet if you receive one today

Yolanda Quiceno
CMC City Clerk
City of Belle Isle
(407) 851-7730

Begin forwarded message:

From: Pete Clarke <peteclarked3@gmail.com>
Date: September 30, 2020 at 10:02:56 AM EDT
To: yquiceno@belleislefl.gov
Subject: Fwd: Gentile variance request

Sent from my i-phone
"Wisdom is knowing the right path. Integrity is taking it..."

Begin forwarded message:

From: PeteD3 <peteclarked3@gmail.com>
Date: September 30, 2020 at 9:54:49 AM EDT
To: yquiceno@belleislefla.gov
Subject: Gentile variance request

Yolanda,
I hope you are doing well and staying safe!
Please see my full support of the Gentile's variance request.
Thanks!!
Pete

September 30, 2020

This email is in support of Mike and Lisa Gentile's request for a variance to install a fence and gate in front of their property located at 7606 Daetwyler Drive.

As an arterial Daetwyler is a very busy road and there is a good amount of foot traffic as well. This has resulted in most properties along Daetwyler having fences or walls in front of their homes.

The Gentile's request is consistent and compatible with their surrounding neighbors and we are in full support of their request.

Thank you,

Pete and Cathie Clarke

Sent from my iPad



Yolanda Quiceno <yquiceno@belleislefl.gov>

Fence request - 7606 Daetwyler Drive

Carrie Lee <carrieroslee@gmail.com>
To: Yolanda Quiceno <yquiceno@belleislefl.gov>
Cc: Kevin Lee <thekevlee@gmail.com>

Fri, Oct 2, 2020 at 10:32 AM

Hi Yolanda,

We are reaching out in support of the variance request for a fence and gate for our neighbors at 7606 Daetwyler. This section of Daetwyler sees excessive speed and aggressive driving and we support the safety that a fence and gate would provide our neighbors.

Please feel free to contact us directly to discuss.

Best,
Kevin and Caroline Lee
7612 Daetwyler Dr, Orlando, FL 32812