

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: 4/12/21 P&Z CASE #: 2021-04-016

VARIANCE SPECIAL EXCEPTION OTHER DATE OF HEARING: May 25, 2021

Table with 2 columns: Applicant/Owner, Address, Phone, Parcel Tax ID #. Applicant: Kevin Keeney, 5428 Parkway Dr, 407-961-9144, 18-23-30-8856-02100. Owner: Kevin Keeney, 5428 Parkway Dr, KMKEENEY@HOTMAIL.COM

LAND USE CLASSIFICATION: RESIDENTIAL ZONING DISTRICT: R1A - CANAL FRONT

DETAILED VARIANCE REQUEST: 4' ALUMINUM DECORATIVE FENCE FOR PET CONTAINMENT IN FRONT YARD (PROPERTY HAS NO BACK YARD)

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.

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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 is comprised of 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 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 \$300.00 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. 10 copies of a plot plan or survey showing all improvements to the property, 10 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:
 - 1) The literal enforcement of the provisions of the zoning ordinance 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.
 - 2) Personal hardship is not being considered as grounds for a variance, since the variance will continue to affect the Character of the neighborhood after the title to the property has passed, and that the special conditions and circumstances were not created in order to circumvent the zoning ordinance for the purpose of obtaining a variance.
 - 3) The variance is the minimum variance that will make possible reasonable use of the land, building or structure.
 - 4) The granting of the variance will be in harmony with the general purpose and intent of the zoning ordinances, will not be detrimental to the public welfare and will not be contrary to the public interest.

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 show compliance with the criteria.

A special exception addresses compatibility of uses, differing slightly from a variance. The approval of a special exception is dependent upon 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:

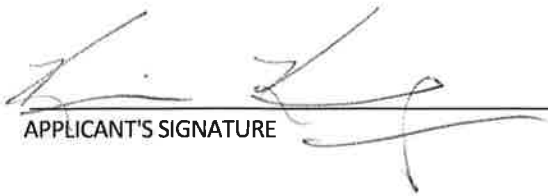
General Information

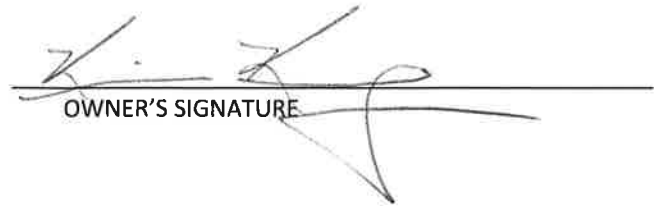
1. A written application for special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
 2. The Board shall make a finding that it is empowered under the section of the zoning ordinance described in the application to grant the special exception, and that granting of the special exception will not adversely affect the public interest.
 3. It is determined that the public health, safety, comfort, order, convenience, prosperity, morals or general welfare is promoted, protected or improved.
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 gives all aggrieved parties an opportunity to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where he or she feels the Planning and Zoning Board erred in their decision. An appeal hearing will then be held by Belle Isle's City Council.
 4. Sec 42-67 - 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.

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

4/2/21
Date Paid

ck# 163
Check/Cash

Hep
Rec'd By

Determination _____

Appealed to City Council: Yes No

Council Action: _____

Prepared by:
Brian A. Barnes
Principal Title Services, LLC
1833 Edgewater Drive
Orlando, Florida 32804

File Number: 13-8309

DOC# 20130530482 B: 10645 P: 0153
10/04/2013 08:31:01 AM Page 1 of 2
Rec Fee: \$18.50
Deed Doc Tax: \$1,750.00
DOR Admin Fee: \$0.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Martha O. Haynie, Comptroller
Orange County, FL
PU - Ret To: PRINCIPAL TITLE SERVICES



General Warranty Deed

Made this September 20, 2013 A.D. By **Eugene J. Takash and Rita A. Takash, husband and wife**, hereinafter called the grantor, to **Kevin Keeney, a single man**, whose post office address is: 5428 Parkway Drive, Belle Isle, Florida 32809, hereinafter called the grantee:

(Whenever used herein the term "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 Dollars, (\$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, Florida, viz:

Lot 10 and 11, Block B, Venetian Gardens, as per plat thereof, recorded in Plat Book L, Page 25; of the Public Records of Orange County, Florida.

Parcel ID Number: 18-23-30-8856-02100

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 December 31, 2012.

Prepared by:
Brian A. Barnes
Principal Title Services, LLC
1833 Edgewater Drive
Orlando, Florida 32804

File Number: 13-8309

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


Signed, sealed and delivered in our presence:




Witness Printed Name Mary H. Juwale



Eugene J. Takash
Address: _____ (Seal)



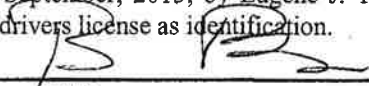
Witness Printed Name Brian A. Barnes



Rita A. Takash
Address: _____ (Seal)

State of Florida
County of Orange

The foregoing instrument was acknowledged before me this 20th day of September, 2013, by Eugene J. Takash and Rita A. Takash, husband and wife, who is/are personally known to me or who has produced drivers license as identification.



Notary Public
Print Name: _____
My Commission Expires: _____

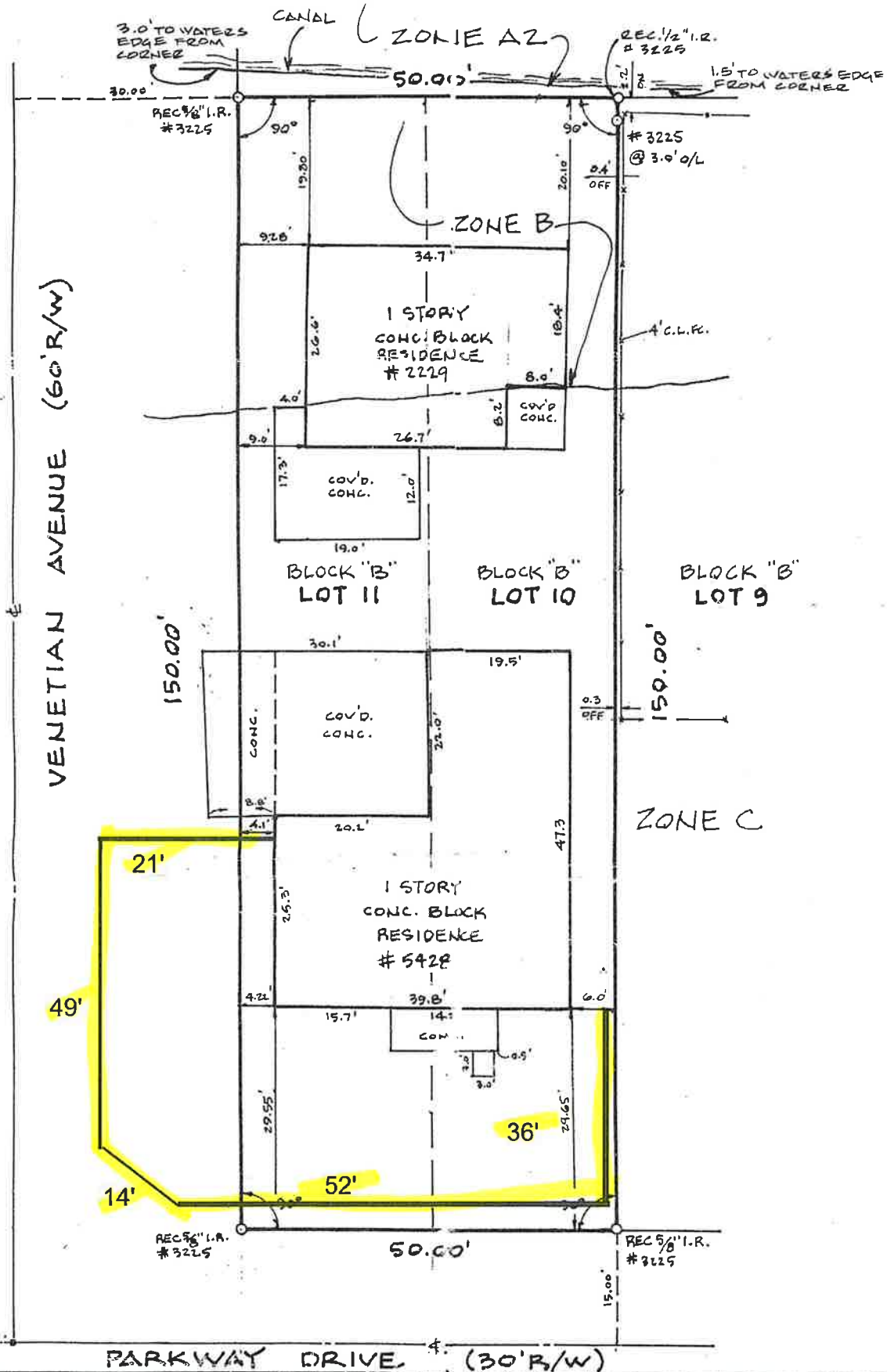


Eugene J. & Rita A. Takash

PLAT OF LAND SURVEY FOR and/or CERTIFIED TO: Timothy Takash & Mary M. Reinagle

Fidelity National Title Insurance Company, Chase Manhattan Mortgage Corporation

DESCRIPTION AS FURNISHED: Lots 10 & 11, Block B, VENETIAN GARDENS, as recorded in Plat Book L, Page 25, Public Records of Orange County, Florida.



Certificates of Elevation

GRUSENMEYER-SCOTT & ASSOC., INC. — LAND SURVEYORS

- LEGEND-
- P ■ PLAT
 - F ■ FIELD
 - I.P. ■ IRON PIPE



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



