



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

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

PERMIT # 2022-08-008

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 <u>KEVIN KEENEY</u>	OWNER <u>KEVIN KEENEY</u>
ADDRESS <u>5428 PARKWAY DRIVE</u>	PROJECT ADDRESS <u>5428 PARKWAY DR</u>
CONTACT NUMBER <u>407-961-9144</u>	OWNER'S CONTACT NUMBER <u>407-961-9144</u>
EMAIL <u>CKKEENEY@HOTMAIL.COM</u>	OWNER'S EMAIL <u>CKKEENEY@HOTMAIL.COM</u>
PARCEL ID# <u>18-23-30-8856-02-100</u>	
LAND USE CLASSIFICATION <u>0131-SFR</u>	ZONING DISTRICT
SECTION OF THE CODE VARIANCE REQUESTED ON <u>50-102(B)(6) AND 50-102(B)(16)</u>	
DETAILED VARIANCE REQUEST <u>FENCE IN FRONT YARD AND IN UTILITIES ROW</u>	
- 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. - By applying, 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 to which the application applies. - 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.	
APPLICANTS SIGNATURE <u>[Signature]</u>	OWNER'S SIGNATURE <u>[Signature]</u>
☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER	P&Z CASE NUMBER <u>2022-08-008</u> DATE OF HEARING <u>Aug 30 2022</u>

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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a.

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:

- the \$300 filing fee,
- a completed application form,
- proof of ownership of the property, or a notarized statement from the owner with the representative's information,
- 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.
- For boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- 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. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?
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. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?
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. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.
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. 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).

***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.**



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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.
- 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.

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

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

Date Paid

8/4/2022

Check/Cash

Rec'd By

RLAZANO

We are requesting a variance for a fence located in the front and side yard of our lot. Our house is on a corner lot with no backyard. We are requesting the variance because we have two dogs whose lives seem positively impacted when they are able to run in the yard, as opposed to us having to walk them on leashes several times a day. We are also hoping to have children in the future and would feel safer if they had a fenced yard to play in. We love our neighborhood and would prefer it if we didn't have to move just to have an enclosed yard.

We have consulted with our neighbors and none of them has expressed any concerns about the fence. The fence is also temporary in nature and can be removed within a few minutes if necessary. If given practically any amount of notice, we would be able to remove the fence if the City needed to access the easement. We would be also be willing to sign a document stating that we would not attempt to hold the City, or any of its contractors, responsible for repairs or reinstallation should the fence need to be removed or be damaged during any work the City was performing.

We hope that you will consider our variance for the reasons listed above and we appreciate your consideration.

Property Record - 18-23-30-8856-02-100

Orange County Property Appraiser •
<http://www.ocpafl.org>

Property Summary as of 09/13/2022

Property Name

5428 Parkway Dr

Names

Keeney Kevin Life Estate
Rem: Michael G Keeney
Revocable Trust 1/2 Int
Rem: Patricia L Keeney
Revocable Trust 1/2 Int

Municipality

BI - Belle Isle

Property Use

0131 - Sfr - Canal Front

Mailing Address

5428 Parkway Dr
Belle Isle, FL 32809-3556

Physical Address

5428 Parkway Dr
Orlando, FL 32809



QR Code For Mobile Phone

Property Features

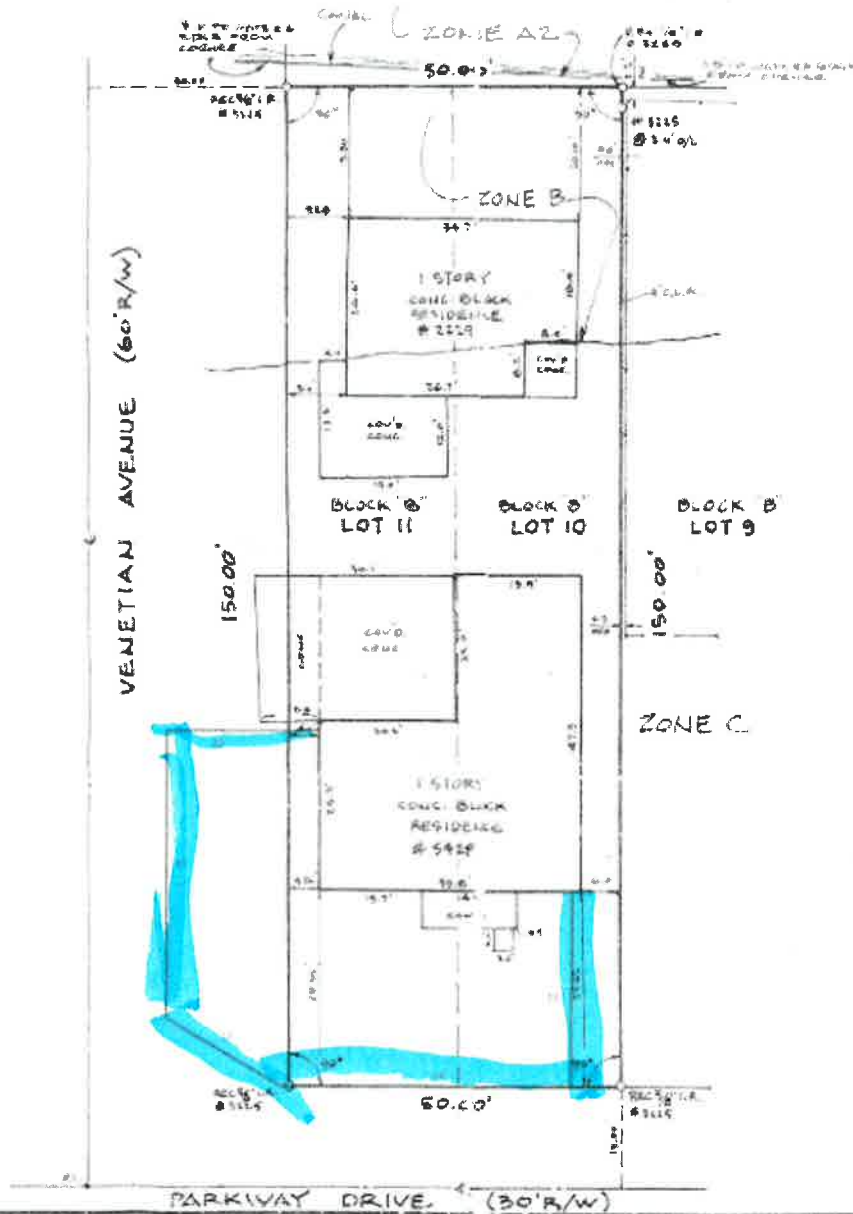
Property Description

VENETIAN GARDENS L/25 LOTS 10 & 11 BLK B

Total Land Area

7,499 sqft (+/-) | 0.17 acres (+/-) GIS Calculated

DESCRIPTION AS FURNISHED: LOT 40 & 41, BLOCK B, VERTICAL MARKING, as recorded to Plat Book 11, Page 26, Public Records of Orange County, Florida.



Certificate of Absence

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

- [illegible]



SOUTH

NOTES

1. I, LOCKWOOD, HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARD REQUIRED BY FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS, CHAPTER 610.01, F.S. AND ADMINISTRATIVE CODE PURSUANT TO CHAPTER 49.001, FLORIDA STATUTES.
2. I HAVE NOT COMPLIED WITH SURVEYOR'S OBLIGATION TO BE PUNISHED FOR UNLAWFUL PURPOSES ONLY.
3. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PERTAINING TO THE PROPERTY THERE MAY BE OTHER RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
4. NO LAND AND/OR IMPROVEMENTS HAVE BEEN LOCATED UNDER OTHER COMPASSION EVIDENCE.



