

## MEMORANDUM

**TO:** Planning and Zoning Board

**DATE:** January 24, 2023

**RE:** Variance Application - 5428 Parkway Drive

Public Hearing #2022-08-008: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (6), 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 AND WITHIN A PORTION OF THE CITY RIGHT-OF-WAY, SUBMITTED BY APPLICANT KEVIN KEENEY LOCATED AT 5428 PARKWAY DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-8856-02-100.

### Background:

1. On August 8, 2022, the applicant, Kevin Keeney, submitted a request, application, and required paperwork. Due to scheduling conflicts, the hearing was postponed.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, January 14, 2023, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on January 13, 2023.

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 outlined 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 SEC. 50-102 (B) (6), SEC. 50-102 (B) (16) AND SEC. 42-64 of the Belle Isle Land Development Code, having been met **TO APPROVE** A FENCE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY AND WITHIN A PORTION OF CITY RIGHT-OF-WAY, SUBMITTED BY APPLICANT KEVIN KEENEY LOCATED AT 5428 PARKWAY DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-8856-02-100.

### SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code SEC. 50-102 (B) (6), SEC. 50-102 (B) (16) AND SEC. 42-64, 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, 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* A FENCE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY AND WITHIN A PORTION OF CITY RIGHT-OF-WAY, SUBMITTED BY APPLICANT KEVIN KEENEY LOCATED AT 5428 PARKWAY DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-8856-02-100.

**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.