

**ITEM 7**  
**MEMORANDUM**

**TO:** Planning and Zoning Board

**DATE:** January 15, 2021

PUBLIC HEARING CASE #2021-01-011- PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (7), 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 AND SIDE YARD OF A RESIDENTIAL PROPERTY, ALLOW A FENCE TALLER THAN SIX FEET, AND ALLOW A FENCE TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY SUBMITTED BY APPLICANT DEBORAH DONHAM LOCATED AT 6904 SEMINOLE DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-02-100.

**Background:**

1. In January 13, 2021, Deborah Donham submitted a request, application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, January 16, 2021, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on January 14, 2021.

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) (7), 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 AND SIDE YARD OF A RESIDENTIAL PROPERTY, ALLOW A FENCE TALLER THAN SIX FEET, AND ALLOW A FENCE TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY SUBMITTED BY APPLICANT DEBORAH DONHAM LOCATED AT 6904 SEMINOLE DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-02-100.

**SAMPLE MOTION TO DENY:**

"I move, pursuant to Belle Isle Code SEC. 50-102 (B) (5), SEC. 50-102 (B) (7), 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 AND SIDE YARD OF A RESIDENTIAL PROPERTY, ALLOW A FENCE TALLER THAN SIX FEET, AND ALLOW A FENCE TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY SUBMITTED BY APPLICANT DEBORAH DONHAM LOCATED AT 6904 SEMINOLE DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-02-100.

**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.



*April Fisher, AICP*  
PRESIDENT  
407.494.8789  
fisherpds@outlook.com

January 15, 2021

**Variance Application: 6904 Seminole Drive**

Applicant Request: PUBLIC HEARING CASE #2020-01-011- PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (7), 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 AND SIDE YARD OF A RESIDENTIAL PROPERTY, ALLOW A FENCE TALLER THAN SIX FEET, AND ALLOW A FENCE TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY SUBMITTED BY APPLICANT DEBORAH DONHAM LOCATED AT 6904 SEMINOLE DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-02-100.

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

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow a six-foot high fence within 35 feet of the Normal High Water Elevation of Lake Conway and allow an eight-foot high fence along the remainder of the side property line which also goes into the front yard as indicated on the survey. This application seeks to also be able to replace an existing six-foot fence in the front yard, so that the property has all new fencing.

The proposed fence is consistent with the fence variance approved by the Board for the abutting property, 6838 Seminole Drive in October 2020. 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 there is a difference in grade between the property upon which the fence will be installed and the immediately adjacent property and that there are

conditions existing on adjacent property creating privacy concerns, 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.

**Additional Notes**

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met.

A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

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: 1-13 - 2021 P&Z CASE #: 2021-01-011

VARIANCE SPECIAL EXCEPTION OTHER DATE OF HEARING: January 26 2021

Table with 2 columns: Applicant/Owner, Address, Phone, Parcel Tax ID #. Applicant: Deborah Donham, Address: 6904 Seminole Drive, Phone: 321-512-2298, Parcel Tax ID #: 29-23-30-4389-02100. Owner: Deborah Donham, Address: Same.

LAND USE CLASSIFICATION: ZONING DISTRICT:

DETAILED VARIANCE REQUEST: SEE ATTACHMENT

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... 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.

Case 4335 [Signature]



**RICK SINGH, CFA**  
 Orange County Property Appraiser  
 200 S. Orange Avenue, Suite 1700  
 Orlando, Florida 32801-3438

RETURN SERVICE REQUESTED

PRSRT  
 FIRST-CLASS  
 MAIL  
 U.S. POSTAGE  
**PAID**  
 ORLANDO, FL  
 PERMIT NO. 135

74  
 2-77749

**Parcel: 29-23-30-4389-02-100**  
 DONHAM DEBORAH L  
 6904 SEMINOLE DR  
 BELLE ISLE FL 32812-3752



**THIS IS YOUR 2021 EXEMPTION RECEIPT CARD**  
 Please Retain for Your Records

Call us ONLY if you no longer qualify for any of the exemptions listed below.

This exemption receipt is not valid if the ownership or use of the property has changed as of January 1st. Any property owner who fails to notify the Property Appraiser of changes shall be subject to the penalties outlined in F.S. 196.011.

Parcel: 29-23-30-4389-02-100  
 Situs: 6904 SEMINOLE DR  
 Legal: LAKE CONWAY PARK G/138 LOTS 10 & 11 & LAND TO LAKE BLK B (LESS THE E 10 FT OF LOT 11 & THE E 10 FT OF THE FOLLOWING DESC AS BEG AT THE SW COR OF LOT 10 BLK B RU  
 Exemption: ADDITIONAL HOMESTEAD  
 HOMESTEAD

*Rick Singh*  
 RICK SINGH, CFA ORANGE COUNTY PROPERTY APPRAISER  
**FOR FURTHER INFORMATION CALL (407) 836-5044 or visit [ocpaf.org](http://ocpaf.org)**

## Detailed Variance Request

To The Belle Isle P+Z Board + Bob Francis

I Deborah Donham of 6904 Seminole dr. am asking the board to approve a variance for replacing my existing 6 and 8 foot tall wood privacy fence along the length of my westside of my property. It joins the eastside of 6838 Seminole dr, the Barnes family. There has been a 6 foot tall wood privacy fence in my front yard for more than the 25 plus years that I have resided there. There is a 6 foot tall gate and fence that is wood facing Seminole dr. I think that a brand new fence like I am seeking to have is harmonious to the neighborhood because there are others in the area that provide privacy. When construction began at 6838 Semindedr, many loads of dirt were trucked in and the land was built up several feet higher than mine. Then a large home, huge garage and swimming pool. This was allowed to be built past my home toward the lake. Pavers in the pool area and around the house has created a personal hardship for me and my privacy. When someone is out back and side of that property my 6 foot fence in the back and side is more like 4 foot and less because of the build up of the land next door. The first homeowners who

built the house planted large bushes which gave many years of privacy to both sides. The Barnes family just recently removed the large bushes. So now there is no privacy. This is a personal hardship for me my family and my pets. The Barnes have added to this personal hardship by adding many cameras to the side of their house and front and back facing my property. Some have motion sensor lights that come on when I am 30 feet on my property. I would like to ask the board to approve a new fence of 6 foot out front 8 foot down most of the side and 6 foot to the seawall and enclosed boathouse for my privacy and security. I am wanting all new fence and hoping what height that I need to keep that I am not forced to only make repairs. A new fence would look so much nicer for both parties and to keep in character of the neighborhood.

This hardship I feel was created when Belle Isle allowed 2 homes to be built, one in front of the other, and allowed to change the grading of the natural land height.





1



2



3



5



1. FRONT FENCE  
GATE FACING  
SEMINOLE DRIVE

2. FRONT YARD  
WEST SIDE  
6 FOOT EXISTING  
FENCE

3. SIDE YARD  
WEST SIDE  
8 FOOT EXISTING  
FENCE

4



6



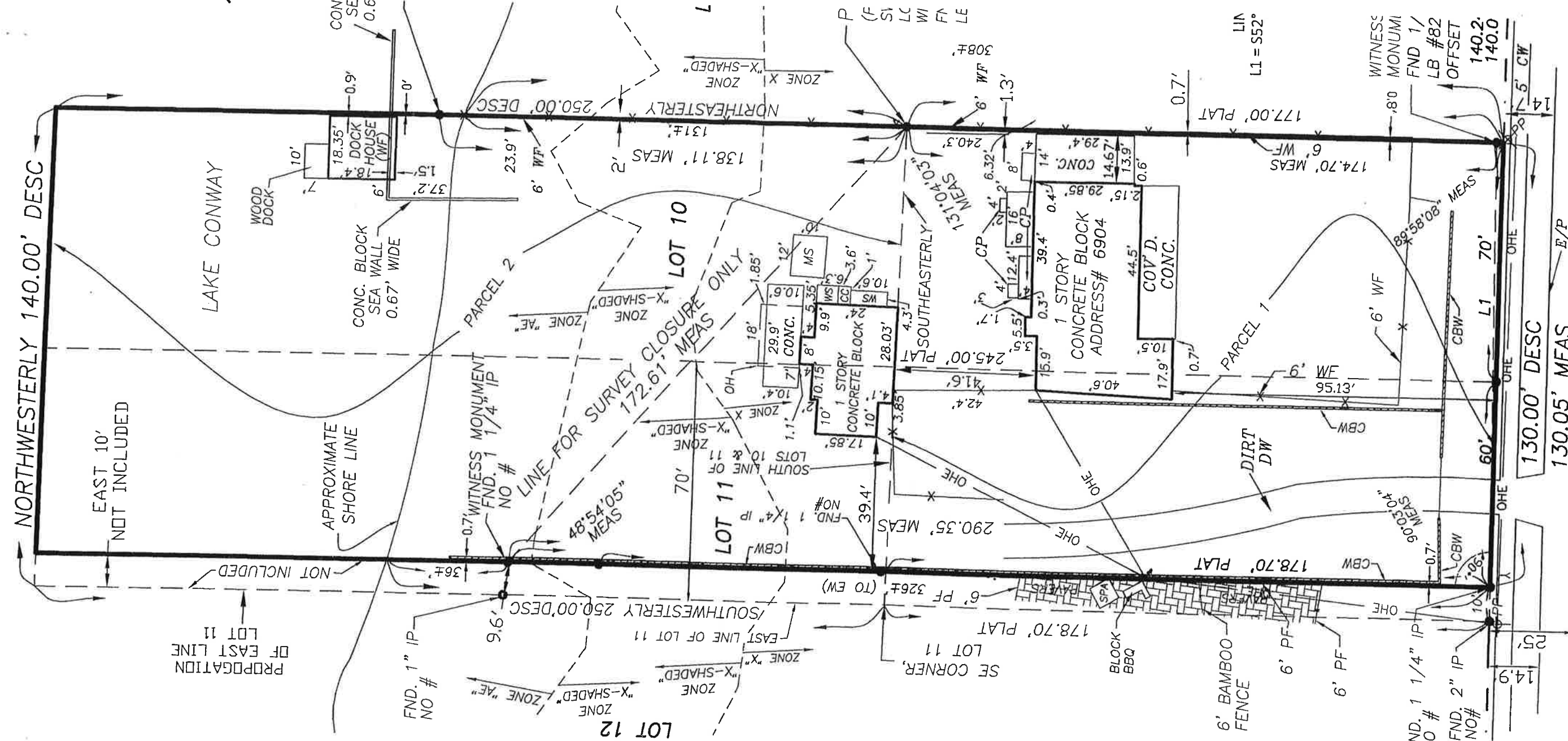
4. BACK YARD  
WEST SIDE  
6 FOOT EXISTING  
FENCE

5. BACK YARD  
WEST SIDE  
6 FOOT EXISTING  
FENCE

6. BACK YARD  
WEST SIDE  
6 FOOT EXISTING  
FENCE

DONHAM SURVEY  
6904 SEMINOLE DR

# MAP OF SURVEY



**DESCRIPTION**

PARCEL 1;  
 LOTS 10 AND 11, BLOCK "B", LAKE CONWAY PARK, AS RECORDED IN PLAT BOOK G, PAGE 138, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS THE EAST 10 FEET OF LOT 11;  
 PARCEL 2;  
 AND:  
 BEGINNING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK "B", LAKE CONWAY PARK, AS PER PLAT THEREOF RECORDED IN PLAT BOOK G, PAGE 138, CP THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; RUN THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF LOTS 10 AND 11 TO THE SOUTHEAST CORNER OF LOT 11, BLOCK "B" OF LAKE CONWAY PARK; RUN THENCE SOUTHWESTERLY ON A PROLONGATION OF THE EAST LINE OF LOT 11 A DISTANCE OF 250 FEET; THENCE NORTHWESTERLY PARALLEL TO THE SOUTH LINE OF LOTS 10 AND 11 A DISTANCE OF 140 FEET TO A POINT 250 FEET SOUTHWEST OF THE POINT OF BEGINNING; THENCE NORTHEASTERLY 250 FEET TO THE POINT OF BEGINNING, LESS THE EAST 10 FEET THEREOF, LYING AND BEING IN ORANGE COUNTY, STATE OF FLORIDA.

