

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: 2-22-21 P&Z CASE #: 2021-04-002

X VARIANCE [] SPECIAL EXCEPTION [] OTHER [] DATE OF HEARING: _____

Table with 2 columns: Applicant, Owner, ADDRESS, PHONE, PARCEL TAX ID #. Handwritten address: 6810 Seminole Dr Belle Isle

LAND USE CLASSIFICATION: R1-AA ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST: To add Decorative Columns at End of Driveway with an option to install Automatic Gate, Hedges to fill up Remainder of Frontage on Seminole Drive.

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.

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.

[Redacted Signature]

John

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

4/1/2021
Date Paid

check
363
Check/Cash

Hrp
Rec'd By

Determination _____

Appealed to City Council: Yes No

Council Action: _____

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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 \$150.00 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
- 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:

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.

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 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.

Variance Request – Application Supplement

<p>*Standards of Variance Justification</p>	<p>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 written document and submit it to the City as part of your variance request.</p>
<p>Special Conditions and/or Circumstances Section 42-64 (1) d</p>	<p>The applicant must prove 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.</p> <p>WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?</p>
<p>Not Self-Created Section 42-64 (1) e</p>	<p>The applicant must prove that the special conditions and circumstances do not result from the actions of the applicant. A personal (self-created) hardship shall not justify a variance; i.e. when the applicant by their own conduct creates the hardship alleged to exist, they are not entitled to relief. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?</p>
<p>Minimum Possible Variance Section 42-64 (1) f</p>	<p>The applicant must prove that the zoning variance is the minimum variance that will make possible the reasonable use of the land, building or structure. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.</p> <p style="text-align: center;"><i>No.</i></p>
<p>Purpose and Intent Section 42-64 (1) g</p>	<p>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.</p> <p>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)</p> <p style="text-align: center;"><i>None.</i></p>

*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, you do not have to comply with Sec. 42-64 (1) d and (1) f.

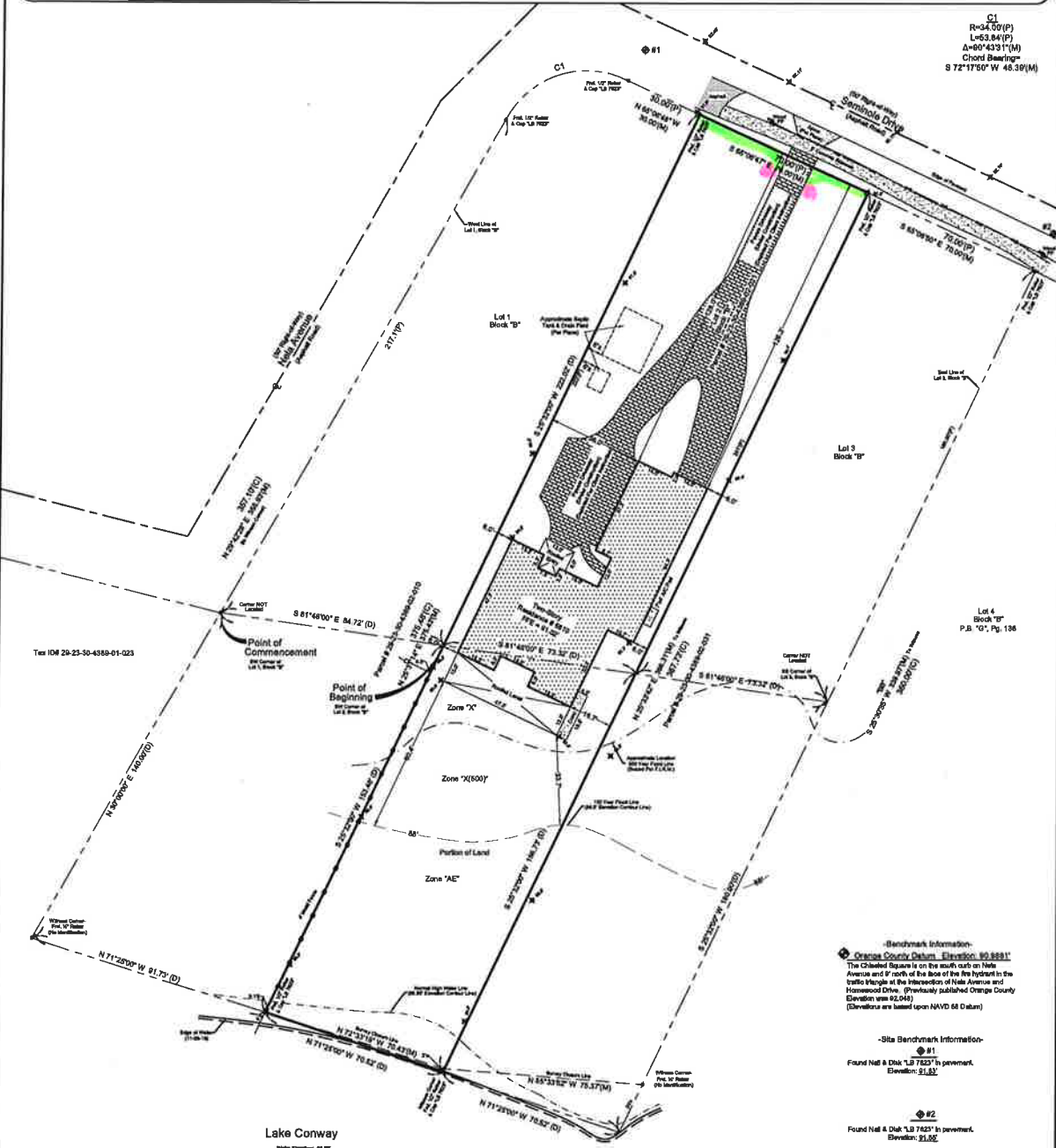
Boundary Survey

Legal Description:

Lot 2, Block B, Lake Conway Park, according to the Plat thereof as recorded in Plat Book G, Page 138, of the Public Records of Orange County, Florida, and the portion of land between the East and West property lines of said Lot 2, Block "B" extended to the waters of Lake Conway, being more particularly described as follows:
Commence from the Southwest corner of Lot 1, Block "B" Lake Conway Park, according to Plat Book G, Page 138, of the Public Records of Orange County, Florida, then run S 81°46'00" E a distance of 84.72 feet to the Southwest corner of said Lot 2, Block "B" and the Point of Beginning; thence continue S 81°46'00" E a distance of 73.32 feet to the East line of Said Lot 2, Block "B"; thence run S 25°32'00" W along the prolongation of said East line of Lot 2, Block "B" a distance of 166.73 feet; thence run N 71°25'00" W a distance of 70.52 feet to a point on the prolongation of the West line of said Lot 2 Block "B"; thence run N 25°32'00" E along said West line of said Lot 2, Block "B" a distance of 153.46 feet to the Point of Beginning.

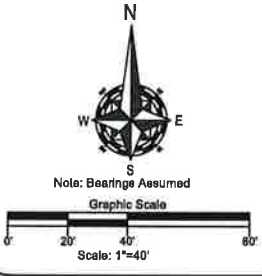
Flood Disclaimer: By performing a search with the local governing municipality or www.fema.gov, the property appears to be located in zone AE/X500/X. This Property was found in City of Belle Isle, community number 120181, dated 08/25/2009.

CERTIFIED TO: [REDACTED]



Lake Conway
 Water Elevation: 88.27
 (per 11/16/16)

Revelon: Final Survey - 07/28/20 - BMJ
 Revelon: Foundation Survey - 01/16/20 - TCD



Field Date: 11/02/16	Date Completed: 11/08/16
Drawn By: JR	File Number: IS-53263

Legend	
C	Calculated
E	Easement
CC	Centerline
CM	Concrete Monument
Cont.	Concrete
DE	Description
DE	Drainage Easement
DE	Easement
F.E.M.A.	Federal Emergency Management Agency
FFE	Finished Floor Elevation
FP	Found
L	Length (Feet)
M	Measured
N.R.	Not Radial
ORB	Official Records Book
P.B.	Plat Book
CF	Wood Fence
PC	Point of Curvature
Py	Pipe
PI	Point of Intersection
P.O.B.	Point of Beginning
P.O.L.	Point on Line
PP	Power Pole
PRM	Permanent Reference Monument
PT	Point of Tangency
R	Radius
RAC	Radius & Cap
REC	Recovered
RSL	Roofline
RJ	Set 'N' Right Angle
TYP	Typical
UL	Utility Easement
WM	Water Main
WA	Delta (Central Angle)
CF	Chain Link Fence

Benchmark Information:
Orange County Datum, Elevation: 80.8881'
 The Chiselled Square is on the south curb on Nile Avenue and 9' north of the Box of the fire hydrant in the traffic triangle at the intersection of Nile Avenue and Homewood Drive. (Previously published Orange County Elevation: 82.04')
 (Elevations are based upon NAVD 88 Datum)

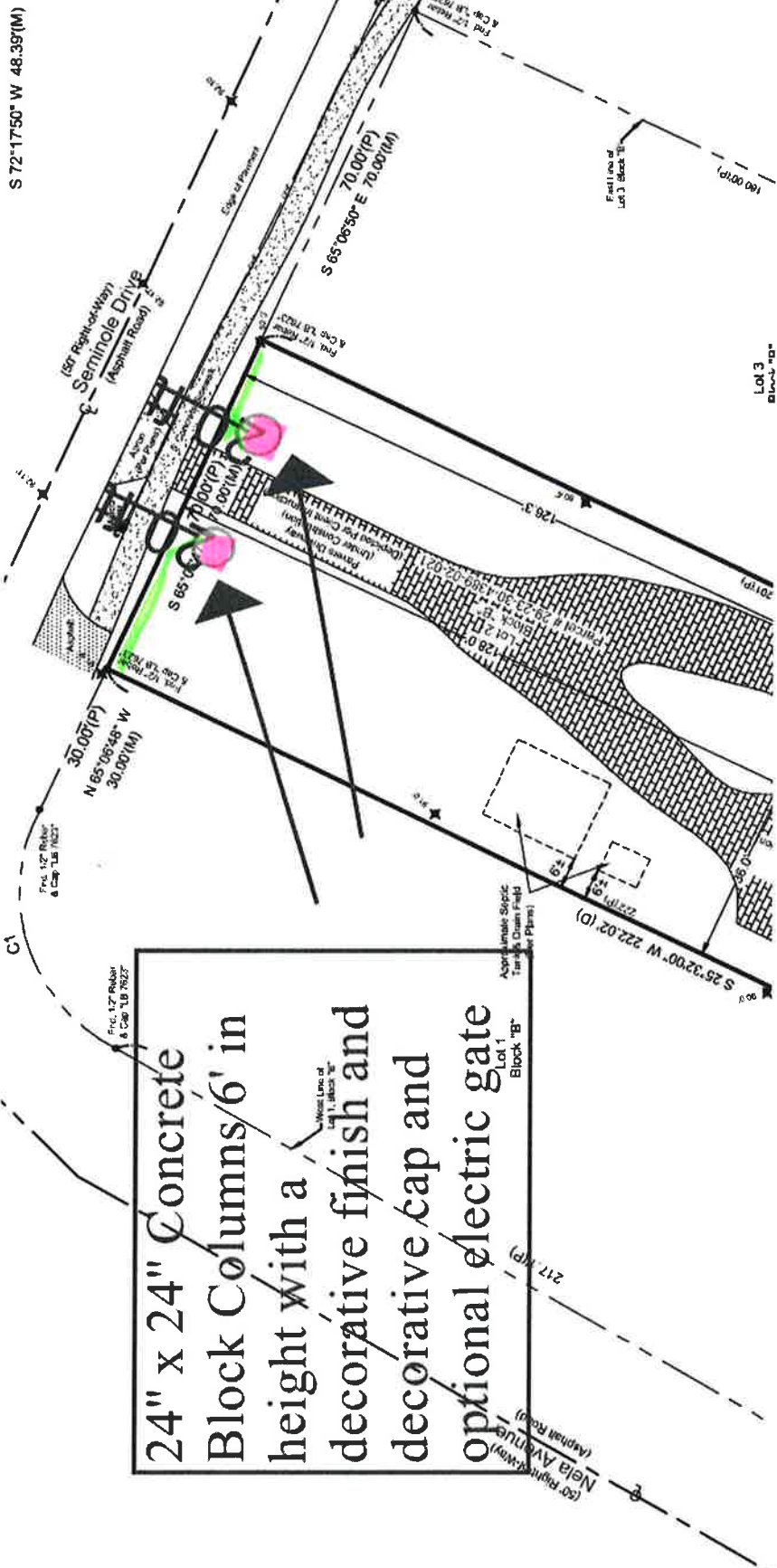
Site Benchmark Information:
#1
 Found Nail & Disk "LB 7823" in pavement.
 Elevation: 81.82'

#2
 Found Nail & Disk "LB 7823" in pavement.
 Elevation: 81.82'

I hereby certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as nearly Surveyed under my Direction on the Date Shown. Based on information furnished to me as Noted and Conforme to the Standard of Practice for Land Surveying in the State of Florida in accordance with Chapter 22-11.002 Florida Administrative Code, Pursuant to Statute 473.007 Florida Statutes.

Patrick K. Ireland FOR THE SURVEYOR
 Patrick K. Ireland, P.S.M. #8837 LB 7623
 This Survey is intended ONLY for use of Salt Certified Parties. This Survey NOT VALID UNLESS SIGNED and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
 1301 S. International Parkway Suite 2001
 Lake Mary, Florida 32746
 www.IrelandSurveying.com
 Office-407.878.3366 Fax-407.320.8185



24" x 24" Concrete
 Block Columns 6' in
 height with a
 decorative finish and
 decorative cap and
 optional electric gate

S 72°17'50" W 48.39'(M)

(50' Right-of-Way)
 Seminole Drive
 (Asphalt Road)

30.00'(P)
 N 65°06'46" W
 30.00'(M)

S 65°06'30" E
 70.00'(P)

Approximate Sptic
 Tank Drain Field
 (See Plan)

S 25°32'00" W 222.02'(D)

Lot 3
 Block "B"

(50' Right-of-Way)
 Nela Avenue

217'(P)

West Line of
 Lot 1, Block "B"

Lot 1
 Block "B"

East Line of
 Lot 3, Block "B"

140.00'(P)

201'(P)

126.3'

90°

225'(P)

128.0'

120.0'

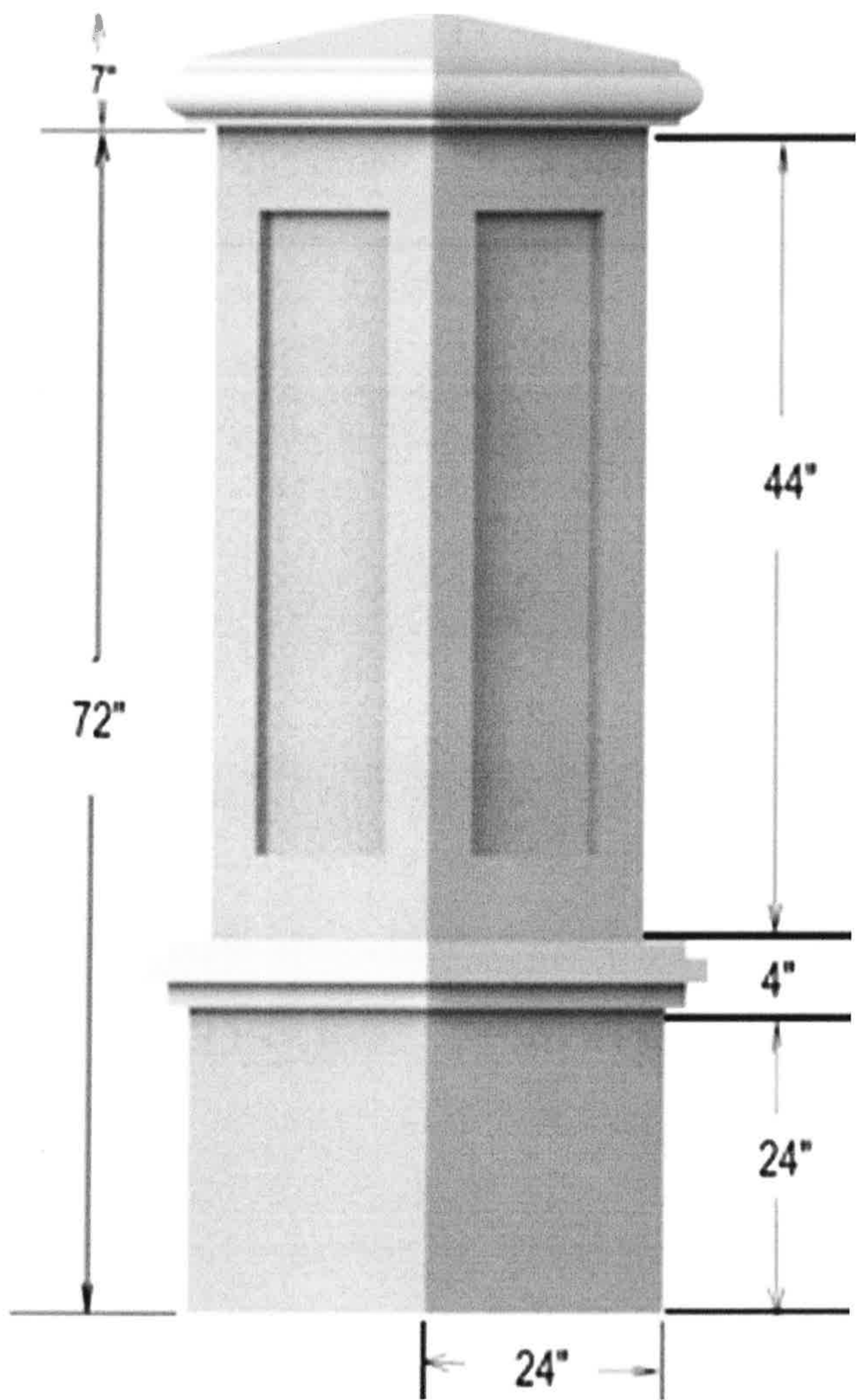
120.0'

120.0'

120.0'

120.0'





March 22th, 2021

6810 Seminole Variance Request:

Special conditions: Given the high traffic volume on Seminole Drive there is a growing amount of foot and automotive traffic moving through the area, with this comes the higher risk of theft and vandalism. My Family and I have been victims of several criminal activities including trespassing, theft, and an incident that occurred at our home located at 6810 Seminole Dr which involved a number of charges including (Breaking and entering, drug charges, felony lewd behavior in front of a minor, trespassing, etc.) against a person who was arrested and removed from that property. This is clearly an ongoing concern for me, my Family and everyone in the area. I believe this to be a security concern on my family's behalf and after to talking to the neighbors located a couple of houses either side of my home, it's very apparent that's is a great concern for them too.

Not Self-Created: Other than choosing to build my home and live on Seminole Drive these issues are out of our control.

Minimum Possible Variance: We have considered creating a barrier by use of landscaping but do not believe this is much of a deterrent without the ability to place a gate at the driveway which many other homes on Seminole drive already have. A combination of landscaping or a fence and a gate would provide enough of a deterrent to likely limit any criminal trespassing and / or criminal activity.

Purpose and Intent: Installing columns and an automatic gate will have no effect on neighboring properties whatsoever. If approved it is the intent of lots 1 – 5 on Seminole drive to install the same type of improvements which would create a nice uniform look along Seminole Drive. There are already a number of homes on Seminole who have gates on their driveway and either front yard gates or landscape barriers combined with automatic gates. There will be zero impact to pedestrian safety or traffic control.

Construction: Columns would be placed at the edges of the driveway behind the sidewalk as to not impede any traffic if a gate is installed. Columns would be construction with concrete block and finished in either stucco or some type of decorative façade. Electric will be run to the columns to provide ability to install an automatic gate and potentially add some lighting to the columns. Columns would need exceed six feet in height to remain within standards for privacy fencing.