

April 16, 2021

**Variance Application: 6810 Seminole Drive**

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, AT 6810 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-4389-02-021.

**Existing Zoning/Use:** R-2/ single-family home

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow decorative columns and an optional gate in the front yard of the property.

Security and safety have been an issue on the subject property. There has been trespassing and other criminal activity on the property. The applicant has provided information supporting the variance request with additional information about the security and safety issues encountered. Please see this information enclosed with this agenda item packet.

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.

**Staff Recommendation**

Based on the applicant's identification that security and safety are 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.

**ITEM 4(b)**  
**M E M O R A N D U M**

**TO:** Planning and Zoning Board

**DATE:** April 27, 2021

**Public Hearing Case #2021-04-002- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021.**

**Background:**

1. On April 1, 2021, the applicant, Leslie Kinsella, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, April 17, 2021, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on April 15, 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 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 Code **50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** a variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021.

**SAMPLE MOTION TO DENY:**

"I move, pursuant to Belle Isle Code **50-102 (b) (5), 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 variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, at 6810 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-021.

**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.

**City of Belle Isle**

1600 Nela Avenue, Belle Isle, Florida 32809 \* Tel 407-851-7730 \* Fax 407-240-2222

b.

**APPLICATION FOR VARIANCE / SPECIAL EXCEPTION**

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

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: \_\_\_\_\_

Applicant	[REDACTED]	Owner	[REDACTED]
ADDRESS	<u>6810 Seminole Dr Belle Isle</u>		
PHONE:	[REDACTED]		
PARCEL TAX ID #:	[REDACTED]		

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 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.
  - o 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.

The board shall find that the preceding requirements have been met by the applicant for a variance.

b.

(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: \$150.00

Date Paid

Check/Cash

Rec'd By

Determination

Appealed to City Council: ☐ Yes ☐ No

Council Action:

## 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.

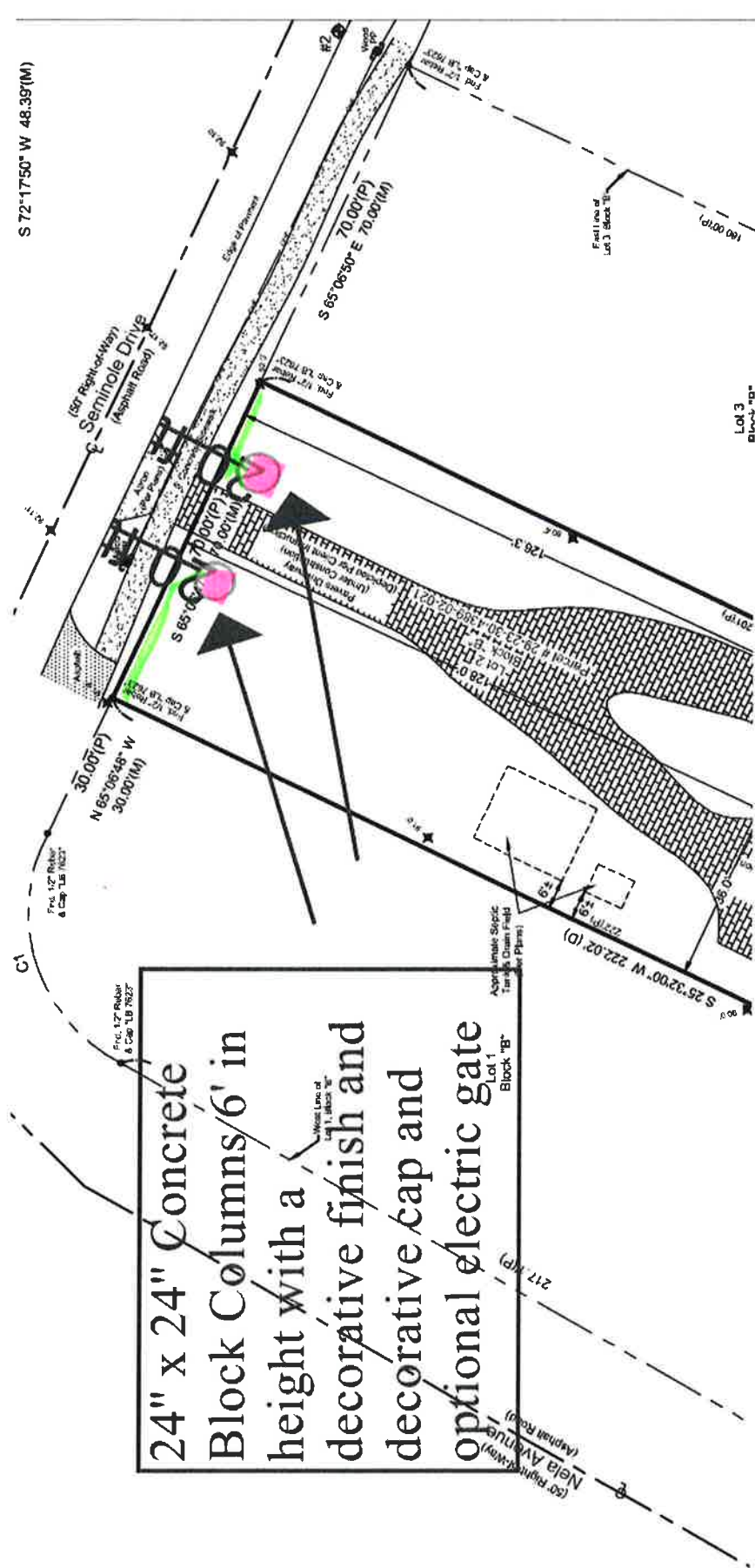
# Variance Request – Application Supplement

<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><b>WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?</b></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. <b>HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?</b></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. <b>CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.</b></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><b>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)</b></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.

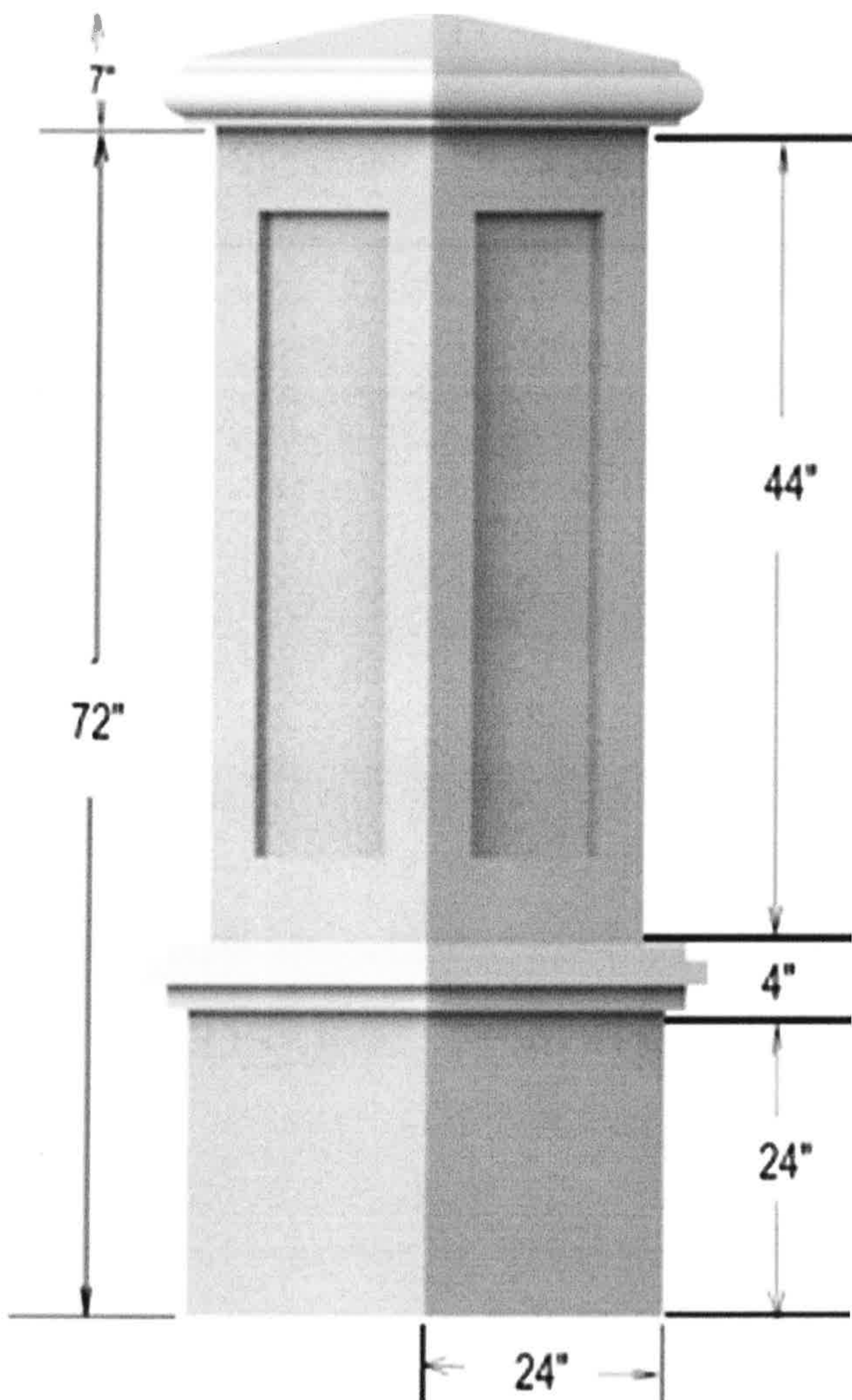












March 22<sup>th</sup>, 2021

**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 talking to the neighbors located a couple of houses either side of my home, it's very apparent that's 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.

April 16, 2021

**Variance Application: 6814 Seminole Drive**

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, CHRIS GEORGE, AT 6814 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-4389-02-031.

**Existing Zoning/Use:** R-2/ single-family home

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow decorative columns and an optional gate in the front yard of the property.

Security and safety are a concern due to trespassing and other criminal activity that has taken place on adjacent property. The applicant has provided information supporting the variance request with additional information about the security and safety issues encountered. Please see this information enclosed with this agenda item packet.

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.

**Staff Recommendation**

Based on the applicant's identification that security and safety are 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.

**ITEM 4(c)**  
**M E M O R A N D U M**

**TO:** Planning and Zoning Board

**DATE:** April 27, 2021

Public Hearing Case #2021-04-005- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031.

**Background:**

1. On April 1, 2021, the applicant, Chris George, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, March 13, 2021, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on April 15, 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) (16) and Sec 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031

**SAMPLE MOTION TO DENY:**

"I move, pursuant to Belle Isle Code **Sec 50-102 (b) (5), 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** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031

**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.

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: 3/24/21

P&Z CASE #: 2021-04-005

☐ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING: \_\_\_\_\_

APPLICANT: Chris George

OWNER: SAME

ADDRESS: 6814 Seminole Drive  
Belle Isle 32812

PHONE: 407-227-7806

PARCEL TAX ID #: 29-23-30-4389-02-031

LAND USE CLASSIFICATION: RIA ZONING DISTRICT: \_\_\_\_\_

DETAILED VARIANCE REQUEST: To Add decorative columns  
to driveway with automated gate and filled  
with hedges.

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.

APPLICANT'S SIGNATURE \_\_\_\_\_

OWNER'S SIGNATURE \_\_\_\_\_

FOR OFFICE USE ONLY:

FEE: \$150.00

4/1/2021  
Date Paid

CK # 1162  
Check/Cash

Hrp  
Rec'd By

Determination \_\_\_\_\_

Appealed to City Council: ☐ Yes ☐ No

Council Action: \_\_\_\_\_



March 8<sup>th</sup>, 2021

~~6822~~ Seminole Variance Request:

6814

**Special conditions:** Given the high traffic volume on Seminole Drive there is a constant amount of foot and automotive traffic moving through the area. We have seen some criminal activity including multiple instances of trespassing and theft, and an incident that occurred at 6810 Seminole which involved a number of charges ( drug charges, lewd behavior in front of a minor, trespassing, etc ) against a person arrested and removed from that property. This is clearly an ongoing concern for everyone in the area, specifically speaking to the owners of lots 1 – 5 all share this concern and would like to mitigate any exposure. In a lower traffic area this would presumably be less of a concern.

**Not Self Created:** Other than choosing to 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 not exceed six feet in height to remain within standards for privacy fencing.

# Property Record - 29-23-30-4389-02-031

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

## Property Summary as of 04/01/2021

### Property Name

Seminole Dr

### Names

George Christopher James

### Municipality

BI - Belle Isle

### Property Use

0030 - Vacant Water

### Mailing Address

437 Harbour Oaks Pointe Dr  
Orlando, FL 32809-3013

### Physical Address

Seminole Dr  
Orlando, FL 32812



QR Code For Mobile Phone

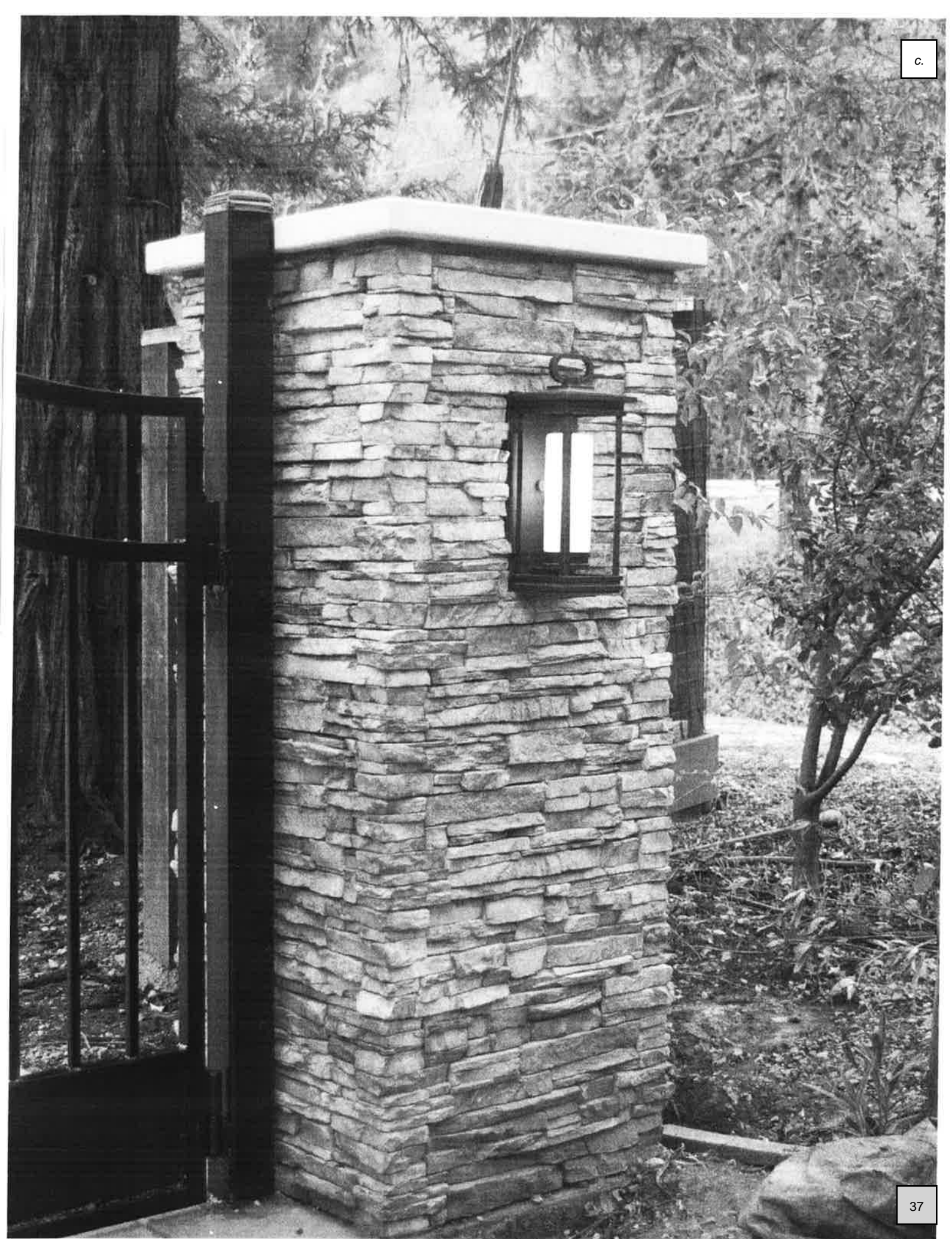


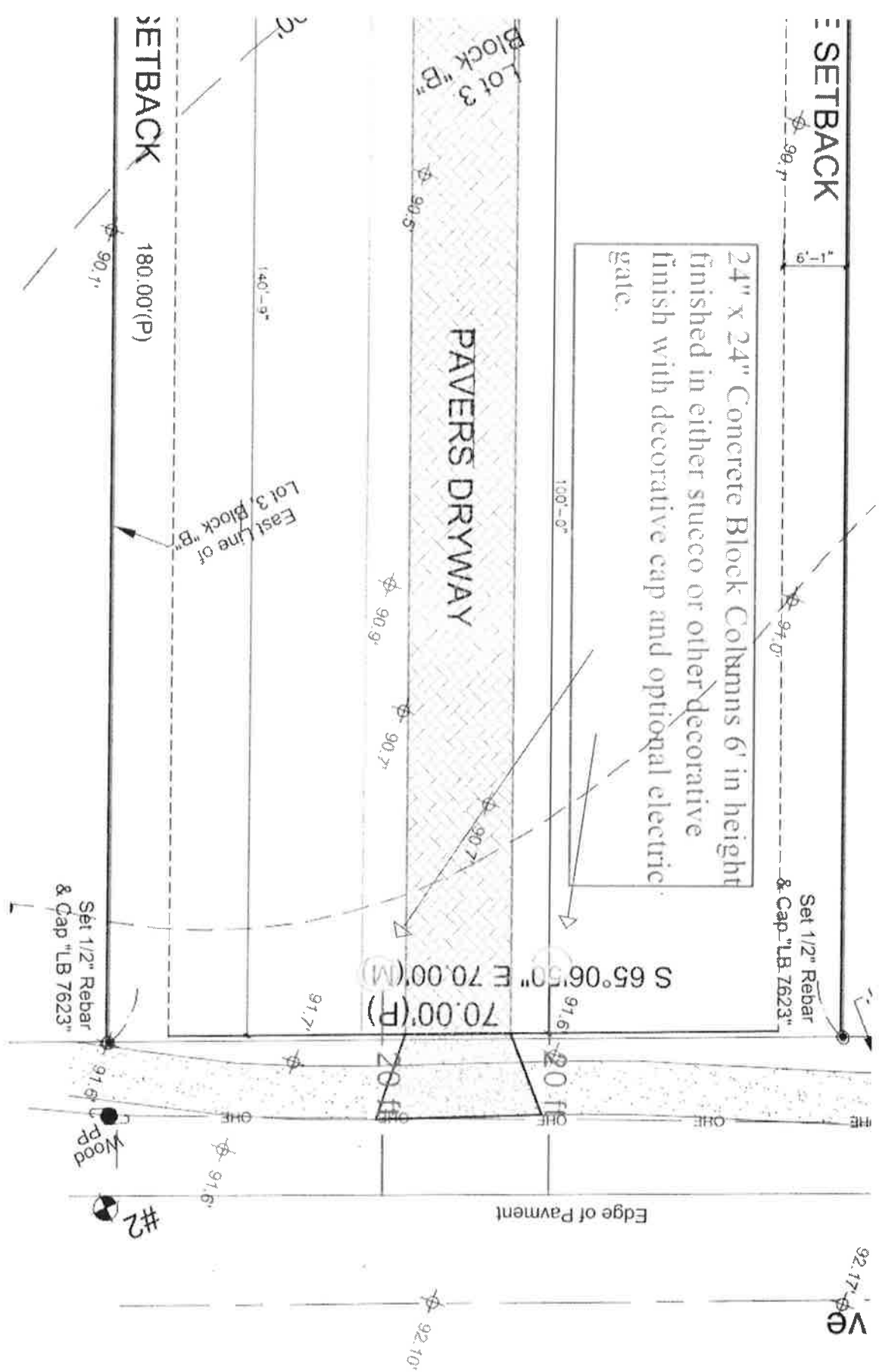
## Value and Taxes

### Historical Value and Tax Benefits

Tax Year Values		Land	Building(s)	Feature(s)	Market Value	Assessed Value
2020	✓ MKT	\$425,000	+ \$0	+ \$0 = \$425,000 (12%)		\$418,000 (10%)
2019	✓ MKT	\$380,000	+ \$0	+ \$0 = \$380,000 (0%)		\$380,000 (0%)
2018	✓ MKT	\$380,000	+ \$0	+ \$0 = \$380,000 (0%)		\$380,000 (0%)
2017	✓ MKT	\$380,000	+ \$0	+ \$0 = \$380,000		\$380,000









April 16, 2021

**Variance Application: 6820 Seminole Drive**

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, 6806 SEMINOLE LLC, AT 6820 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-4389-02-040.

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

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow decorative columns and an optional gate in the front yard of the property.

Security and safety are a concern due to trespassing and other criminal activity that has taken place on adjacent property. The applicant has provided information supporting the variance request with additional information about the security and safety issues encountered. Please see this information enclosed with this agenda item packet.

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.

**Staff Recommendation**

Based on the applicant's identification that security and safety are 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.



**ITEM 4(d)**  
**MEMORANDUM**

**TO:** Planning and Zoning Board

**DATE:** April 27, 2021

Public Hearing Case #2021-04-003- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040.

**Background:**

1. On April 1, 2021, the applicant, Chris Comins, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, March 13, 2021, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on April 15, 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) (16) and Sec 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040.

**SAMPLE MOTION TO DENY:**

"I move, pursuant to Belle Isle Code **Sec 50-102 (b) (5), 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** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040.

**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.

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: 3-31-21

P&Z CASE #: 2021-04-003

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING: \_\_\_\_\_

APPLICANT: Chris Comins

OWNER: \_\_\_\_\_

ADDRESS: 6820 Seminole

PHONE: \_\_\_\_\_

PARCEL TAX ID #: 29 23 30 4389 0 2 040

LAND USE CLASSIFICATION: RT ZONING DISTRICT: \_\_\_\_\_

DETAILED VARIANCE REQUEST: Request to add decorative columns on driveway with an option to install an automatic gate. Balance of frontage on Sem Drive to be Hedges

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.



APPLICANT'S SIGNATURE



OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

4/1/2021  
Date Paid

CR# 1505  
Check/Cash

Hhp  
Rec'd By

Determination \_\_\_\_\_

Appealed to City Council: ☐ Yes ☐ No

Council Action: \_\_\_\_\_

March 8<sup>th</sup>, 2021

~~6822~~ Seminole Variance Request:

6880

**Special conditions:** Given the high traffic volume on Seminole Drive there is a constant amount of foot and automotive traffic moving through the area. We have seen some criminal activity including multiple instances of trespassing and theft, and an incident that occurred at 6810 Seminole which involved a number of charges ( drug charges, lewd behavior in front of a minor, trespassing, etc ) against a person arrested and removed from that property. This is clearly an ongoing concern for everyone in the area, specifically speaking to the owners of lots 1 – 5 all share this concern and would like to mitigate any exposure. In a lower traffic area this would presumably be less of a concern.

**Not Self Created:** Other than choosing to 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 not exceed six feet in height to remain within standards for privacy fencing.

# Property Record - 29-23-30-4389-02-040

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

## Property Summary as of 04/01/2021

### Property Name

6820 Seminole Dr

### Names

6806 Seminole LLC

### Municipality

BI - Belle Isle

### Property Use

0030 - Vacant Water

### Mailing Address

6413 Pinecastle Blvd Ste 3  
 Orlando, FL 32809-6694

### Physical Address

6820 Seminole Dr  
 Orlando, FL 32812



QR Code For Mobile Phone



6820 SEMINOLE DR, BELLE ISLE, FL 32812 1/15/2021 11:54 AM



6820 SEMINOLE DR 09/04/2013



302329438902040 09/04/2013



302329438902040 09/29/2006









# Plot Plan

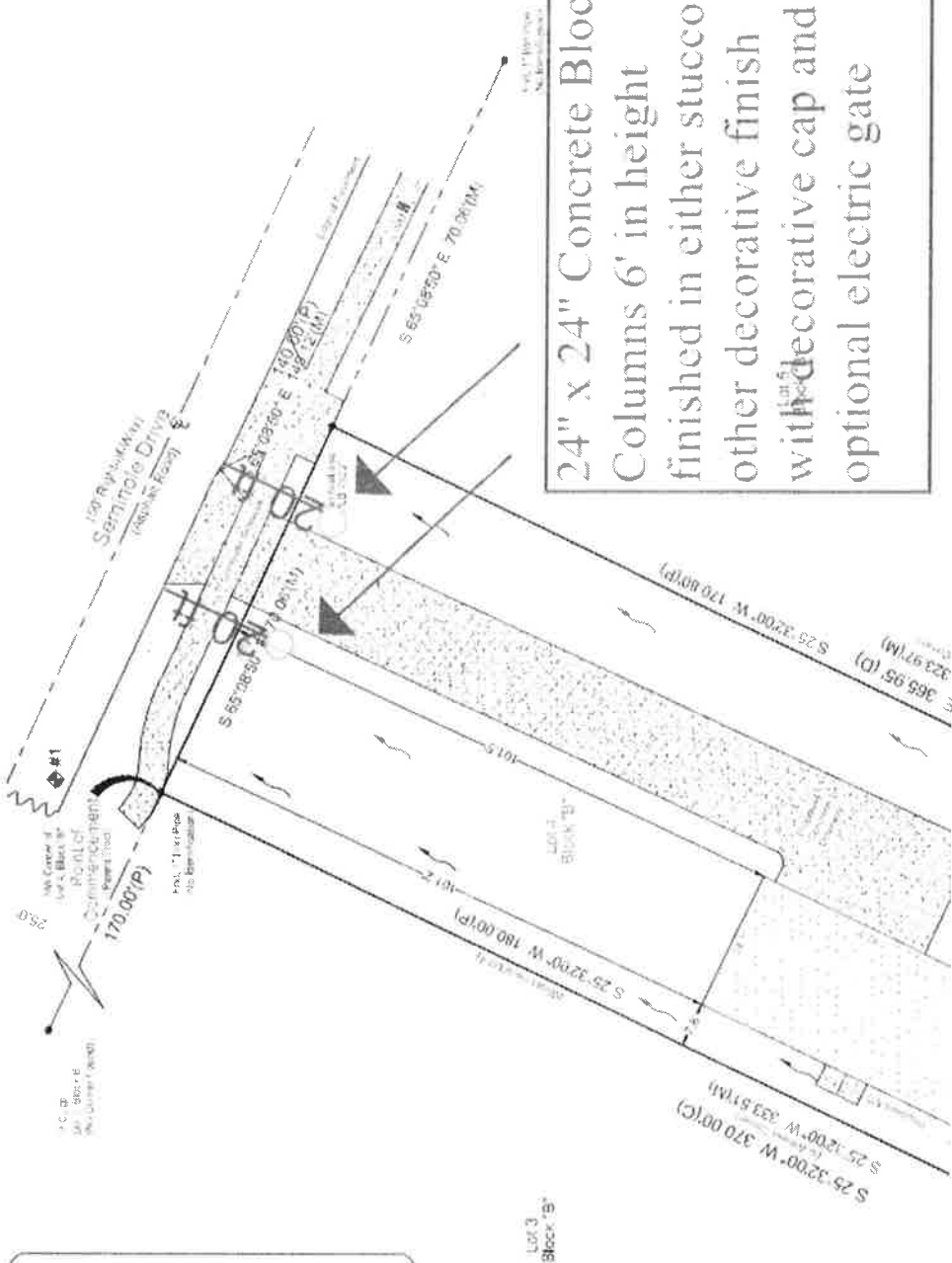
## Legal Description:

Lot 4, Block B, Lake Conway Park, according to the plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida, and ALSO

Beginning from the Southwest corner of said Lot 4, thence South 25°32' West 190.0 feet along the prolongation of the West line of said Lot 4 to Lake Conway, thence South 68°27'11" East 70.72 feet along Lake Conway to the prolongation of the East line of said Lot 4; thence N 25°32' E 195.15 feet to the Southeast corner of said Lot 4; thence N 72°36'58" W 73.77 feet along the South line of said Lot 4 to the POINT OF BEGINNING.

FIELD NOTES: A SEARCH WITH THE LOCAL ENGINEERING MUNICIPALITY OF ORANGE COUNTY, FLORIDA, REVEALS THAT THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE. A FIELD SURVEY WAS CONDUCTED IN THE CITY OF BELLE ISLE, COMMUNITY NUMBER 126, AT

CERTIFIED TO:  
BRC BUILDERS, LLC



April 16, 2021

**Variance Application: 6822 Seminole Drive**

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, STEVEN KNEIPP, AT 6822 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-4389-02-050.

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

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow decorative columns and an optional gate in the front yard of the property.

Security and safety are a concern due to trespassing and other criminal activity that has taken place on adjacent property. The applicant has provided information supporting the variance request with additional information about the security and safety issues encountered. Please see this information enclosed with this agenda item packet.

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.

**Staff Recommendation**

Based on the applicant's identification that security and safety are 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.

## ITEM 4(e)

### MEMORANDUM

**TO:** Planning and Zoning Board

**DATE:** April 27, 2021

Public Hearing Case #2021-04-004- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Steven Kneipp, at 6822 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-050.

#### Background:

1. On April 1, 2021, the applicant, Steven Kneipp, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, March 13, 2021, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on April 15, 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) (16) and Sec 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Steven Kneipp, at 6822 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-050.

#### SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code **Sec 50-102 (b) (5), 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** decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Steven Kneipp, at 6822 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-050.

**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.

City of Belle Isle  
1600 Nela Avenue Belle Isle, Florida 32809 \* Tel 407-851-7730 \* Fax 407-851-7731

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 2.17.21

P&Z CASE #: 2021-04-004

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING:

APPLICANT: STEVEN KNEIPP

OWNER: STEVE KNEIPP

ADDRESS: 6822 SEMINOLE DR  
BELLE ISLE 32812

6822 SEMINOLE  
32812

PHONE: 407 434 9476

PARCEL TAX ID #: 29-23-30-4389-02-050

LAND USE CLASSIFICATION: R1 ZONING DISTRICT:

DETAILED VARIANCE REQUEST: REQUEST TO ADD DECORATIVE COLUMNS  
ON DRIVEWAY WITH AN OPTION TO INSTALL AN AUTOMATIC  
GATE. BALANCE OF FRONTAGE ON SEMINOLE DRIVE TO BE  
FILLED IN WITH HEDGES

SECTION OF CODE VARIANCE REQUESTED ON:

The applicant hereby states that the property for which this hearing is requested has not been used for the purpose requested in the application within the past year prior to the filing of the application. Further that the requested use does not violate any deed restrictions.

By submitting the application, I authorize City of Belle Isle employees and members of the Planning and Zoning Board to inspect the area of my property to which the application applies, during reasonable hours.

Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of the application. At least one (1) photograph of the front of the property and at least two photographs (from different angles) of the area of the property to which the application applies.

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

Date Paid

Check/Cash

Rec'd

Determination

Appealed to City Council: ☐ Yes ☒ No

Council Action:

# Property Record - 29-23-30-4389-02-050

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

## Property Summary as of 03/31/2021

**Property Name**

6822 Seminole Dr

**Names**

Kneipp Steven  
Taylor Cory L

**Municipality**

BI - Belle Isle

**Property Use**

0130 - Sft - Lake Front

**Mailing Address**

2875 S Orange Ave Ste 500-2810  
Orlando, FL 32806-5455

**Physical Address**

6822 Seminole Dr  
Orlando, FL 32812



QR Code For Mobile Phone



6822 SEMINOLE DR BELLE ISLE, FL 32812 11/5/2021 11:54 AM



6822 SEMINOLE DR, ORLANDO, FL 32812 10/16/2019 3:34 PM

March 8<sup>th</sup>, 2021

6822 Seminole Variance Request:

**Special conditions:** Given the high traffic volume on Seminole Drive there is a constant amount of foot and automotive traffic moving through the area. We have seen some criminal activity including multiple instances of trespassing and theft, and an incident that occurred at 6810 Seminole which involved a number of charges ( drug charges, lewd behavior in front of a minor, trespassing, etc ) against a person arrested and removed from that property. This is clearly an ongoing concern for everyone in the area, specifically speaking to the owners of lots 1 – 5 all share this concern and would like to mitigate any exposure. In a lower traffic area this would presumably be less of a concern.

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