



CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Avenue, Belle Isle
Held the 4th Tuesday of Every Month
Tuesday, September 24, 2024 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 3 Board Member – Randy Holihan, Chairman

District 4 Board Member – Vinton Squires, Vice Chairman

District 1 – OPEN | District 2 – OPEN |

District 5 – Rainey Conduff | District 6 – Andrew Thompson | District 7 – Dr. Leonard Hobbs

Welcome to the City of Belle Isle Planning & Zoning meeting. Agendas and all backup material supporting each agenda item are available at the City Clerk's office or the city's website at www.belleislefl.gov. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag** – Board Member Hobbs
3. **Approval of Minutes**
 - a. Approval of the Special Called Meeting minutes - July 30, 2024
 - b. August 27, 2024 - No Meeting
4. **Public Hearings**
 - a. Public Hearing #2024-06-048 - PURSUANT TO BELLE ISLE CODE SEC. 42-64, 50-102 (B) (5) (A), 50-102 (B) (5) (B), AND 50-102(B)(16), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON THE REQUESTED VARIANCE TO ALLOW A LANDSCAPE WALL FIVE FEET AND FOUR INCHES IN HEIGHT WITH AN ORNAMENTAL FENCE FIVE FEET IN HEIGHT INSTALLED ON TOP OF THE PROPOSED WALL, ALLOWING FOR A COMBINED MAXIMUM WALL AND FENCE HEIGHT OF 10 FEET AND FOUR INCHES ON THE VACANT PROPERTY ABUTTING THE CITY RIGHT OF WAY, CONTRARY TO THE CITY'S REQUIRED MAXIMUM FENCE AND WALL HEIGHT OF EIGHT FEET, SUBMITTED BY APPLICANT JOSE PINTO, LOCATED AT 2104 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #19-23-30-5888-06-330.
 - b. Public Hearing #2024-08-001 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A BUILDING SETBACK OF 21 FEET AND THREE INCHES FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 50-FOOT BUILDING SETBACK, SUBMITTED BY APPLICANT ANTHONY GALLIPPI, LOCATED AT 2913 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4386-03-730.
5. **Other Business**
 - a. Review and Recommendation to Council - Boat Dock Ordinance Revisions
 - b. Review and Approval of Fence Ordinance Changes to Section 50-102(B)
6. **Adjournment**

APPEALS: "If a person decides to appeal (Belle Isle's City Code Section 42-71) any decision made by the Board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). A notice of appeal to the City Clerk should be submitted within fifteen (15) days after such recommendation or decision is made "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting. --Page 1 of 1



**CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD SPECIAL CALLED MEETING**

Tuesday, July 30, 2024 * 6:30 PM
MINUTES

The Belle Isle Planning & Zoning Board met on July 30, 2024, at 6:30 p.m. at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

<u>Present was:</u>	<u>Absent was:</u>
Board member Thompson	District 1 - OPEN
Board Member Holihan	District 2 - OPEN
Board member Squires	
Board member Hobbs	
Board member Conduff	

City Manager Rick Rudometkin, Attorney Hilary Griffith, City Planner Raquel Lozano, and City Clerk Yolanda Quiceno were also present.

1. Call to Order and Confirmation of Quorum

Attorney Griffith opened the meeting at 6:30 p.m., and the Clerk confirmed the quorum.

2. Invocation and Pledge to Flag – Board member Hobbs, District 7

Board member Hobbs gave the invocation and led the pledge to the flag.

3. Appointments

- a. Appointment of Chairman
- b. Appointment of Vice Chairman

Board member Conduff nominated Randy Holihan for Chairman.
Board member Hobbs seconded the motion.
There being no further discussion, the motion passed unanimously 5:0.

Chairman Holihan nominated Vinton Squires for Vice Chairman.
Board member Conduff seconded the motion.
There being no further discussion, the motion passed unanimously 5:0.

4. Approval of Minutes

- a. Approval of meeting minutes - March 26, 2024
- b. Approval of meeting minutes - May 28, 2024
- c. June 25, 2024, Canceled - No meeting minutes
- d. July 23, 2024, Canceled - No meeting minutes

Board member Thompson moved to approve the minutes of March 26, 2024, as presented
Board member Conduff seconded the motion which passed unanimously 5:0.

Board member Thompson moved to approve the minutes of May 28, 2024, as presented
Board member Conduff seconded the motion which passed unanimously 5:0.

5. Public Hearings – na

6. Other Business

- a. Recommendation for Approval to Council Comprehensive Plan - Stephen Noto, RVi Planning & Landscape Architecture: "Phase 2" - Future Land Use, Capital Improvements, Infrastructure, Public School Facilities, Transportation Elements, and Concurrency Management System.

Stephen Noto presented the City’s Comprehensive Plan long-range planning document. He provided the remaining elements for review and comment by staff and members of the Board. Mr. Noto presented the remaining five out of the nine elements. He stated that after the presentation and discussion he will be asking for a recommendation to move forward with the changes for Council approval at the next Council Meeting for transmittal to the State.

The elements presented included,

- Future Land Use - Related to the **future** general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. FLUE is vital in managing growth, preventing urban sprawl, providing for the broad framework for density, and regulating consistency and compatibility between uses.
- Capital Improvement Element - Considers the **needs and locations** for efficient use of public facilities. This includes a **five-year Capital Improvement Plan (CIP)** of any publicly funded projects.
- Infrastructure Element - Related to the management and provisions for all infrastructure facilities such as: Wastewater, Groundwater, Drainage, Intergovernmental Utility Coordination and Water Supply Facilities
- Public Schools Facilities Element Senate Bill 360 began in 2005 as a requirement for School Concurrency. Required adoption of a Public-School Facilities Element (PSFE) and an Interlocal Agreement (ILA) between the school board, the County, and Cities. The PSFE and ILA’s are now optional, however many local agencies enforce the regulations of the original law.
- Transportation Element - Required Element per Statutes. Ensures the proper planning for a **safe, efficient, and convenient multimodal** transportation system within a City. This Element is coordinated with applicable metropolitan planning organizations, such as MetroPlan Orlando.
- Concurrency Management System - Additional of Public Schools Facilities Element requirements. The LDC has similar text and will require an update based on the proposed changes.

The Board discussed Sections 1.1.1B, 1.1.2 and 1.1.3, 1.4.46, 2.6.4. After discussion and there being no changes Board member Conduff moved to recommend the Comp Plan as presented to the City Council for approval to the State. Board member Squires seconded the motion which passed unanimously 5:0.

7. Adjournment

There being no further discussion, Chairman Holihan moved to adjourn, unanimously approved at 7:00 pm.



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

September 11, 2024

Variance Request: 2104 Homewood Drive

Application Request: Public Hearing #2024-06-048 - PURSUANT TO BELLE ISLE CODE SEC. 42-64, 50-102 (B) (5) (A), 50-102 (B) (5) (B), AND 50-102(B)(16), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON THE REQUESTED VARIANCE TO ALLOW A LANDSCAPE WALL FIVE FEET AND FOUR INCHES IN HEIGHT WITH AN ORNAMENTAL FENCE FIVE FEET IN HEIGHT INSTALLED ON TOP OF THE PROPOSED WALL, ALLOWING FOR A COMBINED MAXIMUM WALL AND FENCE HEIGHT OF 10 FEET AND FOUR INCHES ON THE VACANT PROPERTY ABUTTING THE CITY RIGHT OF WAY, CONTRARY TO THE CITY'S REQUIRED MAXIMUM FENCE AND WALL HEIGHT OF EIGHT FEET, SUBMITTED BY APPLICANT JOSE PINTO, LOCATED AT 2104 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #19-23-30-5888-06-330.

Existing Zoning/Use: R-1-AA / Single-Family Home

Background

The applicant seeks to build a landscape wall along the property's side lot line, which abuts the City right-of-way along Nela Avenue. The property is currently vacant, except for a pre-existing boat dock structure. Under section 50-102(B)(5), fences and walls are permitted only in the side and rear yards. Front yard fences are not allowed. This section further states that a fence height is limited to either 6-feet or 8-feet, with the letters of consent from the adjoining property owners within 50-feet of the fence or wall.

The homeowners seek to construct a landscape wall before or during the construction of their new single-family residence. The proposed landscape wall abutting Nela Avenue has a maximum peak height of ten feet and four inches. The design features a masonry wall of a maximum height of five feet and four inches with a five-foot aluminum railing fence installed on top of the wall. As detailed on the MRC building sheet, the fence extends 127 feet and four inches abutting the City right-of-way. From its peak height, the masonry wall steps down one foot and four inches for every 31 feet and three inches in four sections (as depicted in the variance packet).

The homeowners have met with the City to discuss plans for the city-owned right-of-way, ensuring city staff maintain access around and underneath the Nela Bridge for routine maintenance and alongside the residential property. The homeowners have provided the City a conceptual plan for planting new vegetation in the city right-of-way along Nela Avenue at their expense in cooperation with the city and

abiding by the applicable permit process for final approval by staff. The applicant has provided a copy of the conceptual landscape plan for the city right-of-way in their permit packet.

Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below.

Pursuant to section 50-102(B)(16):

- a. In the event the applicant wishes to construct a fence or wall different from any of the provision of this subsection (b), a variance must be applied for to the planning and zoning board, pursuant to the provisions of chapter 42, article III. The board in granting an application for the variance may consider as justifying criteria, the following:
 - 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.
- b. The requirements of section 42-64(1) except for subsections 42-64(1)d and (1)f shall otherwise be met.

Based on the variance criteria of sections 42-64 and 50-102(B)(16), city staff recommends that the Board not approve the requested variance to build a wall at a maximum height of ten feet and four inches as the request is a self-created hardship and does not meet the purpose and intent of the city’s land development 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.

MEMORANDUM

TO: Planning and Zoning Board

DATE: September 24, 2024

RE: Variance Application – 2104 Homewood Drive

PUBLIC HEARING #2024-06-048 - PURSUANT TO BELLE ISLE CODE SEC. 42-64, 50-102 (B) (5) (A), 50-102 (B) (5) (B), AND 50-102 (B) (16), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON THE REQUESTED VARIANCE TO ALLOW A LANDSCAPE WALL FIVE FEET AND FOUR INCHES IN HEIGHT WITH AN ORNAMENTAL FENCE FIVE FEET IN HEIGHT INSTALLED ON TOP OF THE PROPOSED WALL, ALLOWING FOR A COMBINED MAXIMUM WALL AND FENCE HEIGHT OF 10 FEET AND FOUR INCHES ON THE VACANT PROPERTY ABUTTING THE CITY RIGHT OF WAY, CONTRARY TO THE CITY’S REQUIRED MAXIMUM FENCE AND WALL HEIGHT OF EIGHT FEET, SUBMITTED BY APPLICANT JOSE PINTO, LOCATED AT 2104 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #19-23-30-5888-06-330.

Background:

1. On June 24, 2024, the applicant submitted a variance application and the required paperwork.
2. Letters to the abutting property owners were mailed within 300 feet of the subject property on August 13, 2024.
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on August 17, 2024. The Board may adopt all, some, or none of these determinations as part of its findings of fact and add any additional findings of fact presented at the public hearing. The Board must 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 42-64 AND 50-102 (B) (5) (A) AND 50-102 (B) (5) (B) AND 50-102 (B) (16), **TO APPROVE** A VARIANCE TO ALLOW A LANDSCAPE WALL FIVE FEET AND FOUR INCHES IN HEIGHT WITH AN ORNAMENTAL FENCE FIVE FEET IN HEIGHT INSTALLED ON TOP OF THE PROPOSED WALL, ALLOWING FOR A COMBINED MAXIMUM WALL AND FENCE HEIGHT OF 10 FEET AND FOUR INCHES ON THE VACANT PROPERTY ABUTTING THE CITY RIGHT OF WAY, CONTRARY TO THE CITY’S REQUIRED MAXIMUM FENCE AND WALL HEIGHT OF EIGHT FEET, SUBMITTED BY APPLICANT JOSE PINTO, LOCATED AT 2104 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #19-23-30-5888-06-330.

SAMPLE MOTION TO DENY:

“I MOVE, PURSUANT TO BELLE ISLE CODE 42-64 AND 50-102 (B) (5) (A) and 50-102 (B) (5) (B), HAVING NOT BEEN MET, **TO DENY** *[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]* VARIANCE TO ALLOW A LANDSCAPE WALL FIVE FEET AND FOUR INCHES IN HEIGHT WITH AN ORNAMENTAL FENCE FIVE FEET IN HEIGHT INSTALLED ON TOP OF THE PROPOSED WALL, ALLOWING FOR A COMBINED MAXIMUM WALL AND FENCE HEIGHT OF 10 FEET AND FOUR INCHES ON THE VACANT PROPERTY ABUTTING THE CITY RIGHT OF WAY, CONTRARY TO THE CITY’S REQUIRED MAXIMUM FENCE AND WALL HEIGHT OF EIGHT FEET, SUBMITTED BY APPLICANT JOSE PINTO, LOCATED AT 2104 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #19-23-30-5888-06-330. **Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.**

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.

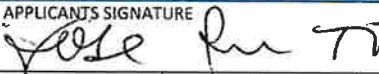
SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

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, FL 32809
Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

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	Jose Pinto	OWNER	Jose and Elizete Pinto
ADDRESS	1221 Mabbette St., Kissimmee, FL 34741	PROJECT ADDRESS	2104 Homewood Dr. 32809
CONTACT NUMBER	407-468-9193	OWNER'S CONTACT NUMBER	407-468-9193
EMAIL	jp@prestigecontractorservices.com	OWNER'S EMAIL	jp@prestigecontractorservices.com
PARCEL ID#	19-23-30-5888-06-330		
LAND USE CLASSIFICATION	Residential	ZONING DISTRICT	
SECTION OF THE CODE VARIANCE REQUESTED ON			
DETAILED VARIANCE REQUEST			
We would like to build a landscape wall to help with erosion, & provide a safety barrier between the yard & main road, Nela. Ave.			
<ul style="list-style-type: none"> 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 PS&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. 			
APPLICANT'S SIGNATURE			OWNER'S SIGNATURE
<input checked="" type="checkbox"/> VARIANCE		<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER
		P&Z CASE NUMBER	DATE OF HEARING
		2024-06-048	9/24/2024

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. 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



City of Belle Isle
1600 Nela Avenue, Belle Isle, FL 32809
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Variance and Special Exception Application

- 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	<u>6/24/24</u> Date Paid	<u>2160</u> Check/Cash	<u>[Signature]</u> Rec'd By
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Variance and Special Exception Application

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:

- a. the \$300 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. 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.
- 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:**

*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.**



Amy Mercado
Orange County
Property Appraiser

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Administration

QUICK SEARCHES

TPP/ADVANCED SEARCHES

RESULTS

PROPERTY CARDS

TPP CARDS

Parcel 19-23-30-5888-06-330 X

Print Date: 06/24/2024 System Refresh Date: 06/23/2024

Navigation icons: Previous, Next, Print, Map, Street, Birdseye, Trim, Port, Estimate, Taxes, FEMA, Plat, Sketch, Share, Favorite

2104 Homewood Dr 19-23-30-5888-06-330

Name(s): PINTO ELIZETE O
PINTO JOSE

Physical Street Address: 2104 Homewood Dr

Property Use: 0001 - Vacant Residential

Mailing Address On File: 1221 Mabbette St Apt A
Kissimmee, FL 34741-5500
[Incorrect Mailing Address?](#)

Postal City and Zip: Belle Isle, FL 32809

Municipality: Belle Isle



2104 HOMEWOOD DR, BELLE ISLE, FL 32809 - SECTION 17, 44-09

[Upload Photos](#)

[View 2023 Property Record Card](#)

PROPERTY FEATURES | VALUES, EXEMPTIONS AND TAXES | SALES | MARKET STATS | LOCATION

2024 Values will be available in August of 2024. To see the certified values, go to the Values, Exemptions and Taxes Tab.

[View Plat](#)

Property Description

NELA ISLE (ISLAND SECTION) 0/99 LOT 33 BLK F & LAND TO WATERS OF LAKE

Total Land Area: 31,307 sqft (+/-) | 0.72 acres (+/-)

Land

GIS Calculated Notice

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0001 - Vacant Residential	R-1-AA	1 LOT(S)	Working Value...	Working Value...	Working Value...	Working Value...

Page 1 of 1 (Total Records: 1)

Building

There are no buildings associated to this parcel.

Extra Features

Description	Date Built	Units	Xfob Value
Shed - Shed	01/01/2005	1 Unit(s)	Working Value...

Page 1 of 1 (Total Records: 1)

Owners: Jose and Elizete Pinto
Property Address: 2104 Homewood Dr. Belle Isle, Florida 32809

Fence/Wall Permit – Variance

WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY?

I believe our situation is unique because our lot is located on the corner of a main road (Nela Ave.) which has a lot of traffic. For this reason, we would like to build the landscape wall for privacy, safety, and protection from erosion.

WHAT WOULD BE THE UNNECESSARY HARDSHIP?

Without the landscape wall, it would cause erosion between the home and the right of way.

HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?

The special conditions were created when the community was developed, and the main road (Nela Ave.) was built at a higher elevation than the lot. Special conditions were not done by owners Jose and Elizete Pinto. The street and lot were already built before purchasing.

CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY?

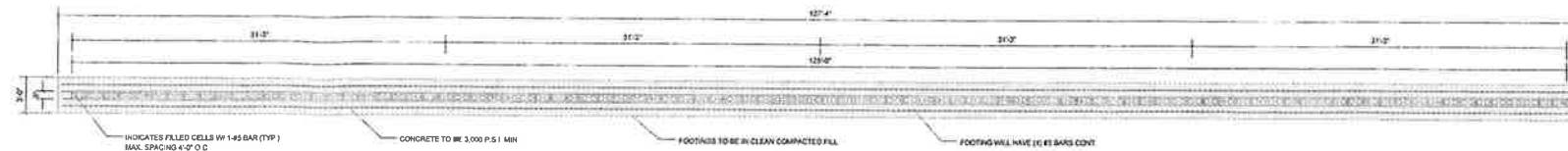
No, a landscape wall would be the best possible way to create a safer yard space from the main road (Nela Ave.) and stop erosion from happening.

LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.

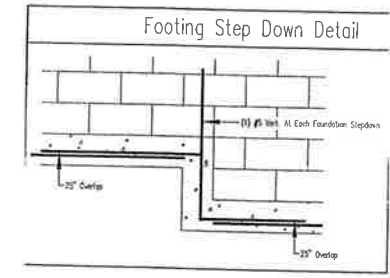
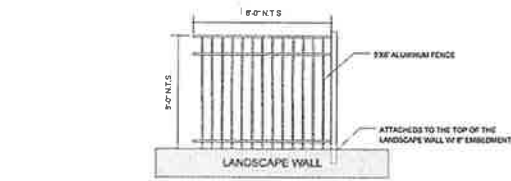
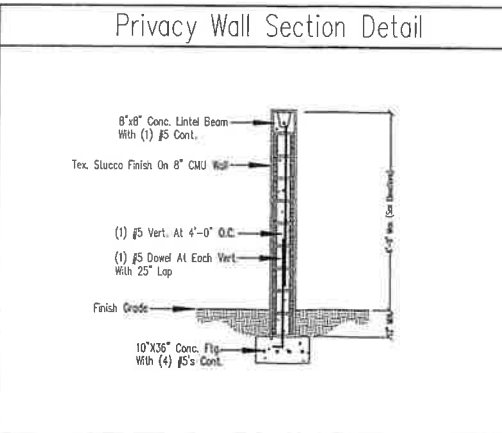
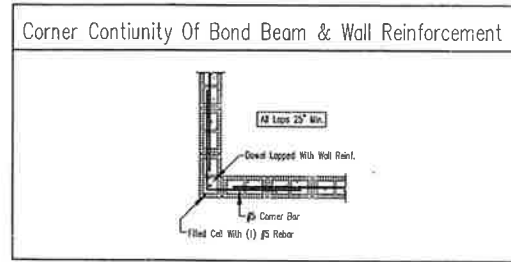
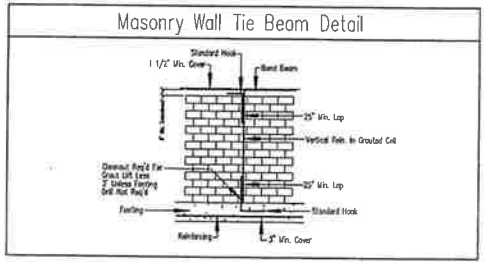
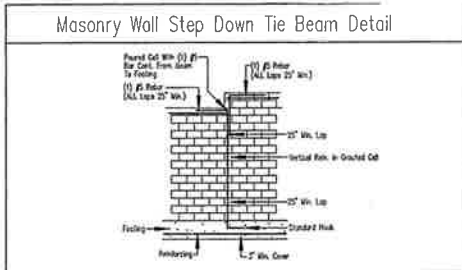
There is not another alternative since a Picket Metal Fence would not help with erosion happening between the home and the right of way.

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).

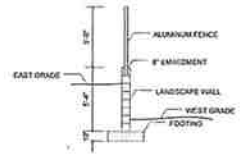
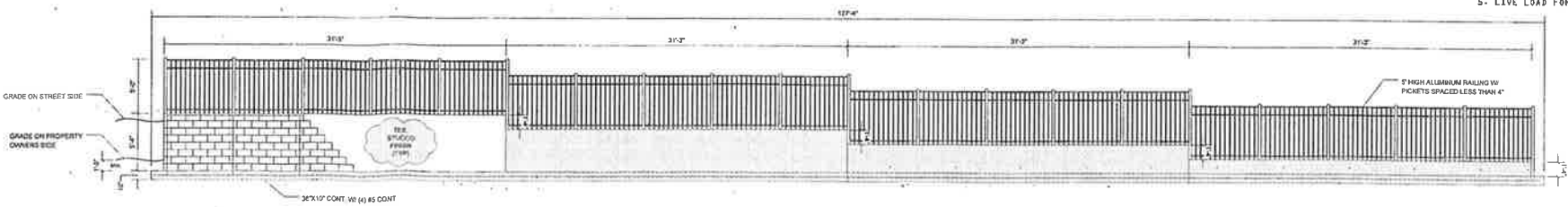
I don't believe the building of a landscape wall will affect the surrounding area since we are a corner lot and we are not requesting for the wall to meet the corner crossroads (Nela Ave. and Homewood Dr.). This will allow the corner to be visible to cars turning onto Homewood dr. from Nela Ave. or Viceversa.



NOTE: 1. FOOTING HAS BEEN DESIGNED FOR A 90% BEARING PRESSURE OF 2,000 P.S.F.
 2. FOOTINGS TO BE IN CLEAN COMPACTED FILL.
 3. IF A DOWEL IS MISSING APPLY W/ EPOXY GRADUATION (MIX) W/ 2" CHESTNUT. DRILL 1/2" DIA. HOLE FOR #1 DOWELS.
 4. REBAR GRADES MIN. #5
 5. ALL REBAR OVERLAP MIN. 25"
 6. FOUR ALL CLR FULL UP TO 3"



DESIGN REQUIREMENTS:
 1. LIVE LOAD FOR FLOORS & DECKS IS 40 P.S.-F.
 2. LIVE LOAD FOR ROOF IS 20 P.S.-F.
 3. LIVE LOAD FOR HANDRAILS & GUARDRAILS IS 200 P.S.-F.
 4. GUARDRAILS IN-FILL COMPONENTS 50 P.S.-F.
 5. LIVE LOAD FOR STAIRS IS 40 P.S.-F.



REVISIONS	BY
03/29/2024	MRC

T.S. - JOURNAL
 LICENSED PROFESSIONAL Engineer
 1404 Executive Park Court
 Naples, FL 34103
 987-387-5559
 987-387-5559

RESIDENTIAL
 Prestige Contractor
 Services
 Jose Pinto
 LACUDA
 24th Woodland Drive
 Belle Glade, FL 33408

NOTE: THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE WIND LOAD REQUIREMENTS OF THE 2024 FLORIDA BUILDING CODE RESIDENTIAL 6th EDITION SECTION R601 DESIGN CRITERIA AND INCLUDING ASCE 7-22.
 1. WIND SPEED - 35 MPH ULTIMATE WIND SPEED (AUL) AND 300 MPH (V50)
 2. RISK CATEGORY 2 CONSTRUCTION TYPE- SINGLE FAMILY RESIDENCE (U)
 3. WIND EXPOSURE - CATEGORY 3

DRAWN	MRC
CHECKED	
DATE	01/06/2024
SCALE	3/16"= 1'
JOB NO.	010624.002
SHEET	1
OF 1 SHEETS	

IMPERVIOUS TABULATIONS

Lot Area	30645 SF
House incl Pool /Fire pit	8316 SF
Total Driveway./Concrete	2300 SF
Total Impervious	10616 SF
Percentage Impervious	34.6 %

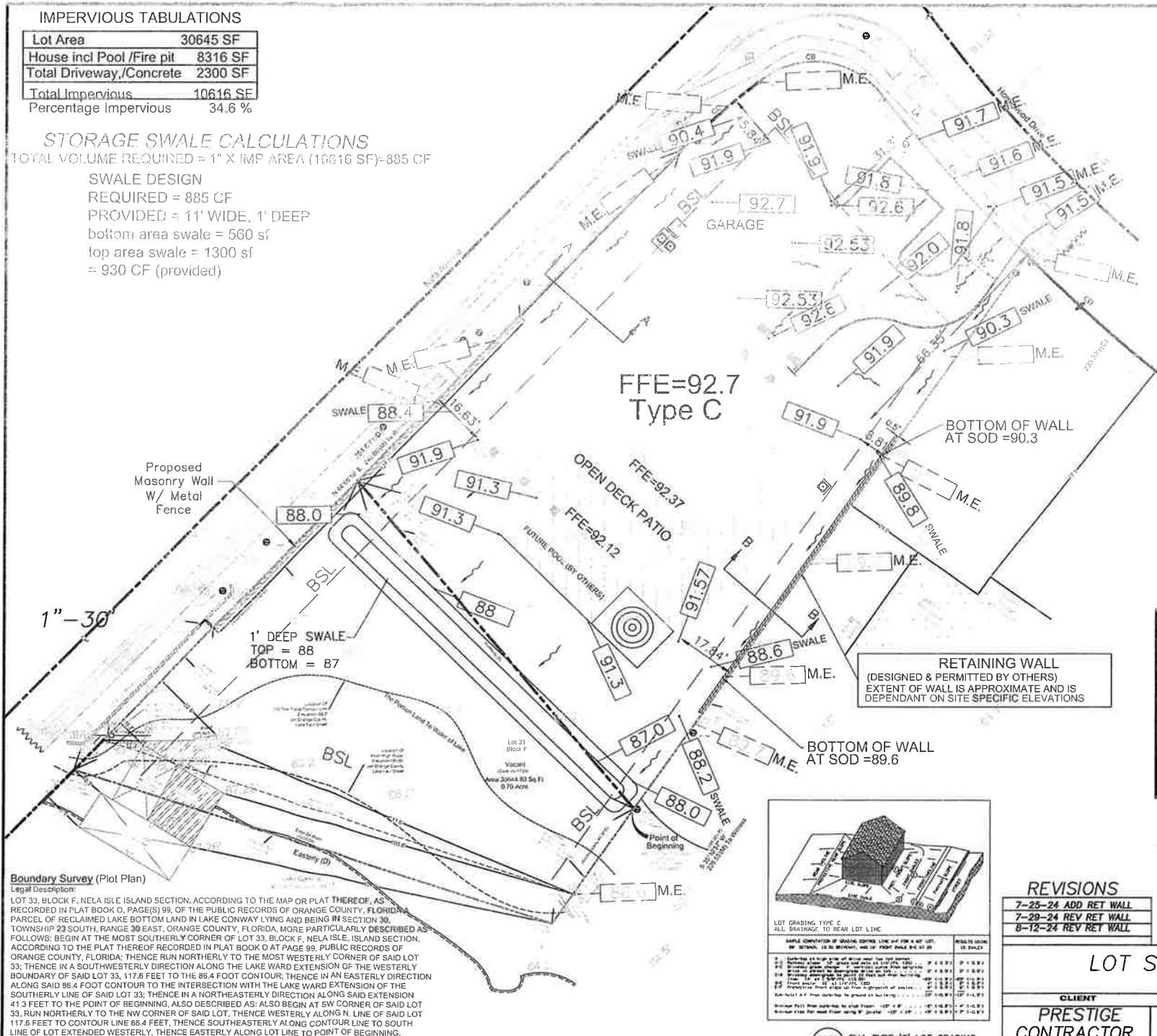
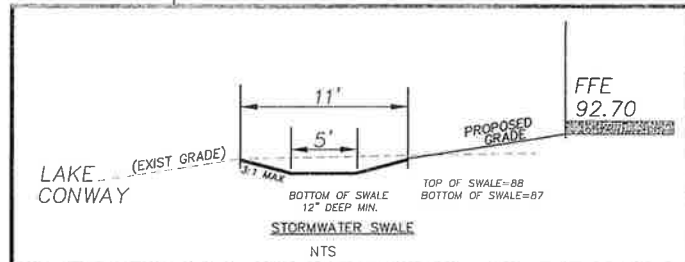
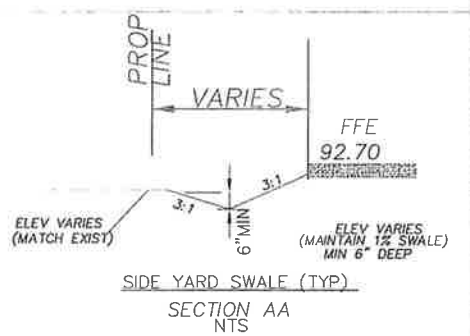
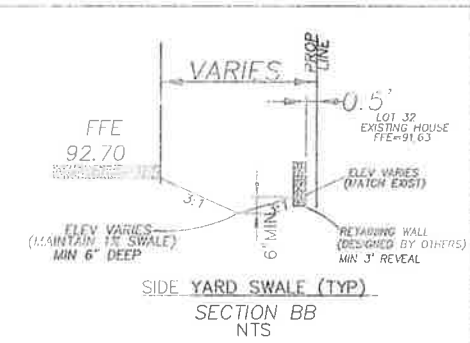
STORAGE SWALE CALCULATIONS

TOTAL VOLUME REQUIRED = 1" X IMP AREA (10616 SF)-885 CF

SWALE DESIGN
 REQUIRED = 885 CF
 PROVIDED = 11' WIDE, 1' DEEP
 bottom area swale = 560 sf
 top area swale = 1300 sf
 = 930 CF (provided)

BUILDING SETBACKS

FRONT 30'
 SIDE 7.5' / 15'
 REAR 25'



Boundary Survey (Plot Plan)
 Legal Description:
 LOT 33, BLOCK F, NELA ISLE ISLAND SECTION, ACCORDING TO THE MAP OR PLAN THEREOF, AS RECORDED IN PLAT BOOK D, PAGE(S) 99, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. PARCEL OF RECLAIMED LAKE BOTTOM LAND IN LAKE CONWAY LYING AND BEING IN SECTION 30, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE MOST SOUTHERLY CORNER OF LOT 33, BLOCK F, NELA ISLE, ISLAND SECTION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK D AT PAGE 99, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTHERLY TO THE MOST WESTERLY CORNER OF SAID LOT 33; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE LAKE WARD EXTENSION OF THE WESTERLY BOUNDARY OF SAID LOT 33, 117.6 FEET TO THE 86.4 FOOT CONTOUR; THENCE IN AN EASTERLY DIRECTION ALONG SAID 86.4 FOOT CONTOUR TO THE INTERSECTION WITH THE LAKE WARD EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 33; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID EXTENSION 41.3 FEET TO THE POINT OF BEGINNING, ALSO DESCRIBED AS: ALSO BEGIN AT SW CORNER OF SAID LOT 33, RUN NORTHERLY TO THE NW CORNER OF SAID LOT, THENCE WESTERLY ALONG N. LINE OF SAID LOT 117.6 FEET TO CONTOUR LINE 86.4 FEET, THENCE SOUTHEASTERLY ALONG CONTOUR LINE TO SOUTH LINE OF LOT EXTENDED WESTERLY, THENCE EASTERLY ALONG LOT LINE TO POINT OF BEGINNING.

RETAINING WALL
 (DESIGNED & PERMITTED BY OTHERS)
 EXTENT OF WALL IS APPROXIMATE AND IS DEPENDANT ON SITE SPECIFIC ELEVATIONS



9000 FHA TYPE 'C' LOT GRADING
 N.T.S.

REVISIONS

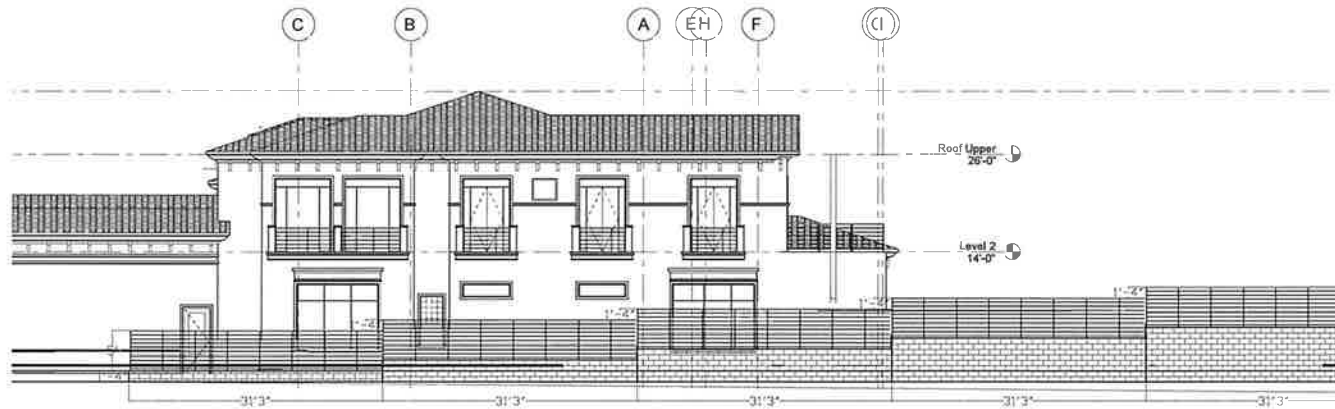
7-25-24	ADD RET WALL
7-29-24	REV RET WALL
8-12-24	REV RET WALL

- LEGEND**
- DRAINAGE FLOW
 - PROPOSED SPOT GRADES (BY CYCORP)
 - MATCH EXISTING INTERPOLATED GRADE (CYCORP)
 - SPOT GRADES (TAKEN FROM SURVEY)
 - EXISTING INTERPOLATED GRADES (BY CYCORP)

LOT SITE/ GRADING PLAN

CLIENT	LOCATION
PRESTIGE CONTRACTOR SERVICES	2104 HOMEWOOD DR ORANGE COUNTY

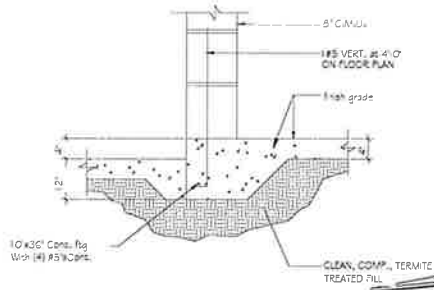
CYCORP ENGINEERING INC.
 CA 30526
CIVIL ENGINEERS LAND PLANNERS
 KIM FISCHER, P.E. #56042 8/12/2024
 1614 White Dove Drive
 Winter Springs, Florida 32708
 Tel: (407) 405-1619



1'-0"
0'-10"
1'-0"
1'-0"
1'-0"

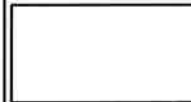
Where the concrete wall shows exposed on the photos it will be filled with soil to match the right away to allow for proper drainage.

1 FRONT VIEW



2 REAR PERSPECTIVE VIEW

REVISIONS	BY



NEW RESIDENCE
Jose Pinto
 2104 HOMEWOOD DR.
 ORLANDO, FLORIDA 32809



PREPARED BY Author	DESIGNED BY Designer
DATE 01/30/2024	CHECKED BY Checker
Project Number	SCALE

SHEET #

APPROVAL STATUS OF A.H.J.:

1/30/2024 11:45:33

*This is only a sample photo and not to be used as a final a landscape plan.



✦ This is only a sample photo and not to be used as a final landscape plan.

a.



*This is only a sample photo and not to be used as a final landscape plan.

a.



Daniel Botyos
Variance for fence
Dec 27, 2023 at 12:28:46 PM
epinto@prestigecontractorservices.com

Good afternoon Elizete, it was a pleasure meeting you today and welcome to the neighborhood. We reside at 2224 Homewood Dr. and would support your request for a variance to fence your property. When I moved here in 2011 and our property had an existing fence grandfathered in, we did not realize how much of a blessing it is for the safety of our pets and children. The additional security a fence will provide for your property would be another feature a homeowner would want as your property is in a high traffic area for boats and pedestrians. We hope your variance request is approved and wish you and your family a happy holiday! Thank you, Daniel Botyos.

Sent from my iPhone

From: Dave Jordan dave@orlandopubcrawl.com
Subject: Variance fence request
Date: Dec 28, 2023 at 9:25:12 AM
To: epinto@prestigecontractorservices.com

Elizete,

I met you guys at Brandon's Christas Party (arm in a sling guy 😊). My next door neighbor Dan and Stacey said you guys were looking at a variance for a fence for your lot. I'm the peach color house at 2230 Homewood and I will also support your need for a variance. Let me know if you need anymore info. I look forward to you guys getting everything going. I sent your husband all of my info couple weeks ago but let me know if you need help with this or anything else.

Thanks,

Dave Jordan

2230 Homewood Dr

407-466-4325

Dave@orlandopubcrawl.com

From: Lisa Davis <lpinto@prestigecontractorservices.com>
Subject: New Neighbor
Date: Dec 28, 2023 at 8:24:26 PM
To: epinto@prestigecontractorservices.com

Hello Elizete,

First, welcome to the the neighborhood! Both Colleen and Danny explained your fencing scenario to me and gave me your information. I don't have any issues with you fencing in your yard, and hope you are able to easily get the variance. Please let me know if need anything else.

Kindly,
Lisa Davis
2103 Homewood Drive
407-470-6322

Dear Belle Isle Leadership,

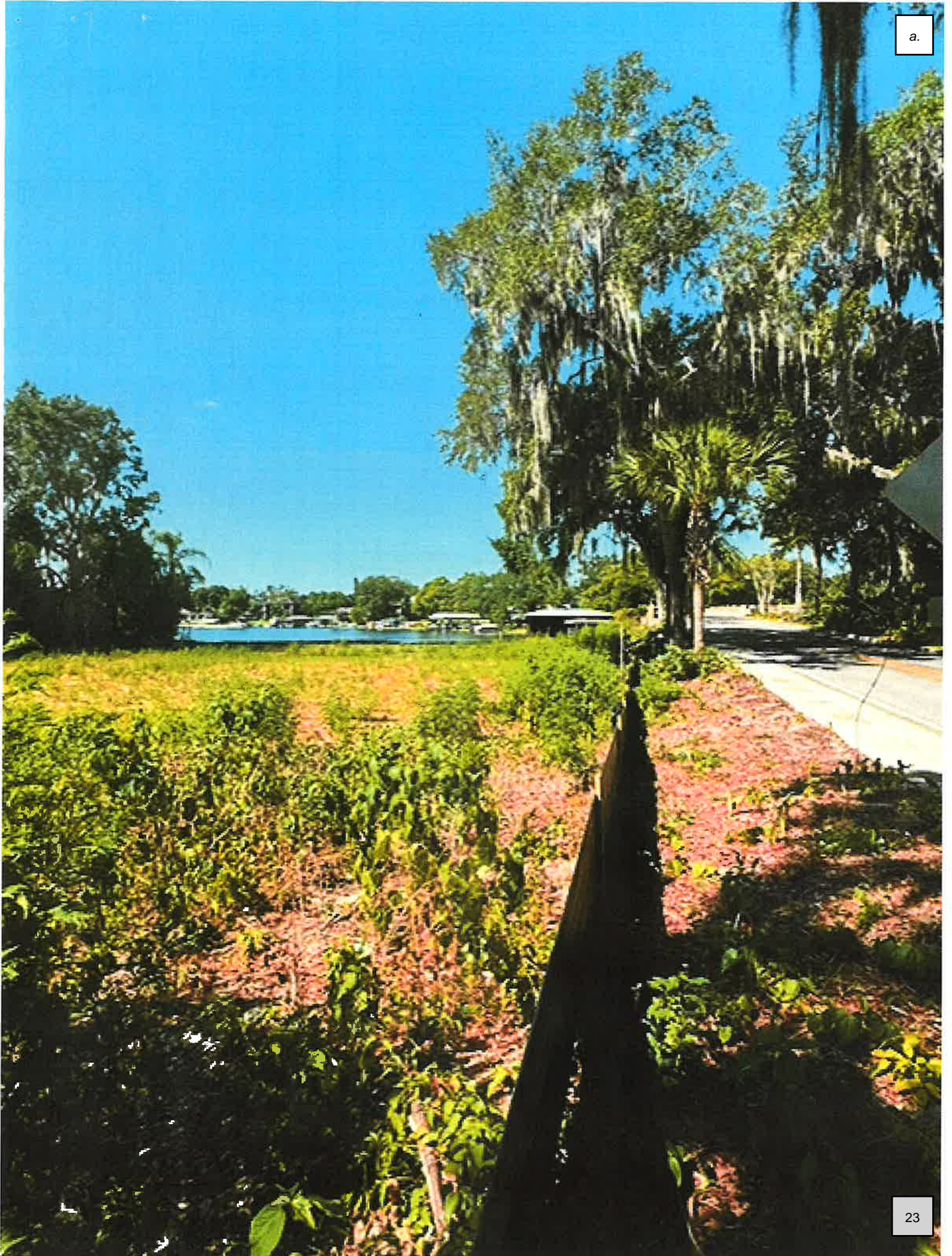
I am the homeowner of 2112 Homewood Drive. I am writing this letter to inform you that I approve Jose Pinto's proposal to install an iron fence around his property. If I can be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

Brandon Carr
2112 Homewood Drive
Belle Isle, FL 32809

(407) 362-8453

a.



a.



a.





CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

September 11, 2024

Variance Request: 2913 CULLEN LAKE SHORE DRIVE

Application Request: Public Hearing #2024-08-001 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A BUILDING SETBACK OF 21 FEET AND THREE INCHES FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 50-FOOT BUILDING SETBACK, SUBMITTED BY APPLICANT ANTHONY GALLIPPI, LOCATED AT 2913 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4386-03-730.

Existing Zoning/Use: R-1-AA / Single-Family Home

Background

The applicant submitted a variance request to encroach within the applicable building setback and allow a building setback of 21 feet and three inches. Their requested variances were approved at the November 2023 Planning and Zoning Board meeting. Section 42-67 of the City’s land development code outlines time limits for variance approvals. The code states that the variance shall become void if, six months after the board approved the variance or special exception, all permits necessary for the utilization of the special exception or variance have not been issued. The applicant’s variance approval for the requested building setback expired as of May 28, 2024 since no permit issuance was granted for the scope of work.

Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below.

1. Special Conditions and/or Circumstances (Section 42-64 (1) d):

The property is a peninsula surrounded by water along multiple sides of the lot. The configuration of the land and pre-existing structures creates special conditions and circumstances to allow the requested variance.

2. Not Self-Created (Section 42-64 (1) e):

The request to replace the accessory structure with an addition to the principal building is not self-created as the lot configuration provides limited building space from the required 50-foot setback.

3. Minimum Possible Variance (Section 42-64 (1) f):

The variance request for the building setback makes reasonable use of the land as the applicant seeks to replace the existing canopy with an attached cabana structure in approximately the same location with a new setback of 21 feet and three inches from the NHWE. The existing and proposed structure provide a similar function; however, the code requires a greater setback for a principal building at 50 feet from the NHWE than an accessory structure at 35 feet from the NHWE.

4. Purpose and Intent (Section 42-64 (1) g):

The variance requests to allow a building setback of 21 feet and three inches from the normal-high water elevation of Lake Conway instead of the required 50-foot setback would not be harmful to the neighborhood nor detrimental to the public welfare.

Based on the variance criteria under section 42-64 (d-g), Staff recommends that the Board approve the requested variances to allow a building setback of 21 feet and three inches from the required 50-foot setback of the normal-high water elevation of Lake Conway.

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.

MEMORANDUM

TO: Planning and Zoning Board

DATE: September 24, 2024

RE: Variance Application – 2913 Cullen Lake Shore Drive

PUBLIC HEARING #2024-08-001 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A BUILDING SETBACK OF 21 FEET AND THREE INCHES FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 50-FOOT BUILDING SETBACK, SUBMITTED BY APPLICANT ANTHONY GALLIPPI, LOCATED AT 2913 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4386-03-730.

Background:

1. On August 1, 2024, the applicant submitted a variance application and the required paperwork.
2. Letters to the abutting property owners were mailed within 300 feet of the subject property on September 12, 2024
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on September 14, 2024.

The Board may adopt all, some, or none of these determinations as part of its findings of fact and add any additional findings of fact presented at the public hearing. The Board must 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 42-64 AND 50-73(A) **TO APPROVE** A BUILDING SETBACK OF 21 FEET AND THREE INCHES FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 50-FOOT BUILDING SETBACK, SUBMITTED BY APPLICANT ANTHONY GALLIPPI, LOCATED AT 2913 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4386-03-730.

SAMPLE MOTION TO DENY:

“I MOVE, PURSUANT TO BELLE ISLE CODE 42-64 AND 50-73(A), HAVING NOT BEEN MET, **TO DENY** *[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]* A BUILDING SETBACK OF 21 FEET AND THREE INCHES FROM THE 86.9 CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY INSTEAD OF THE REQUIRED 50-FOOT BUILDING SETBACK, SUBMITTED BY APPLICANT ANTHONY GALLIPPI, LOCATED AT 2913 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-4386-03-730.

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

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, FL 32809

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

b.

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 Anthony Gallippi	OWNER Anthony Gallippi
ADDRESS 2913 Cullen Lake Shore Dr	PROJECT ADDRESS 2913 Cullen Lake Shore Dr
CONTACT NUMBER 404-353-3000	OWNER'S CONTACT NUMBER 404-353-3000
EMAIL tonygallippi@gmail.com	OWNER'S EMAIL tonygallippi@gmail.com
PARCEL ID# 18-23-30-4386-03-730	
LAND USE CLASSIFICATION 0104 Single Fam Class IV	ZONING DISTRICT R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON 50-73(a)	
DETAILED VARIANCE REQUEST For Building Permit 2024-04-026, seeking a setback of 21 feet 3 inches from the normal high water line (NHWL) for an extension to the primary structure.	
<ul style="list-style-type: none"> 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	OWNER'S SIGNATURE
<input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> SPECIAL EXCEPTION <input type="checkbox"/> OTHER	P&Z CASE NUMBER 2024-08-001 DATE OF HEARING 9/24/24

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. 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

Anthony Gallippi and Adriana Alvarez
2913 Cullen Lake Shore Dr
Belle Isle, FL 32812

Planning and Zoning
City of Belle Isle
1600 Nela Ave
Belle Isle, FL 32809

Application for a Variance to Section 50-73

Property Address: 2913 Cullen Lake Shore Dr
Parcel ID: 18-23-30-4386-03-730
Zoning District: R-1-AA

A variance was requested and approved unanimously by the Planning & Zoning Board on November 28, 2023 to allow a building setback of 21 feet and 3 inches from the 86.9 contour line (or normal high-water elevation) of Lake Conway instead of the required 50-foot building setback.

Per City code section 42-67, an approved variance expires 6 months after approval.

On April 11, 2024, a building permit was filed (Permit No **2024-04-026**) for an extension of the principal building, consistent with the approved variance. Documents were requested by the City and all documents were dropped off for review on April 17, 2024, by Cardell Construction.

Unfortunately, the building permit did not receive approval from the City before May 28, 2024, and the variance approved by the Board on November 28, 2023 expired.

To obtain final approval of Permit 24-04-026, we are seeking approval for the same variance to Sections 50-73 that was approved unanimously in November 2023:

- 50-73 (a) for the extension of the principal building, which states “The setback from Lake Conway shall be 50 feet from normal high-water elevation (86.9 contour line).”
Applicant is requesting a setback of 21 feet 3 inches.

Between the lake and the proposed extension of the principal building is a concrete seawall, which ranges from 8 to 16 inches thick, is rebar reinforced, and anchored. This

concrete seawall extends around the entire 700 ft of shoreline of the property. This seawall also allowed the Board to approve several prior variances for the principal building to be located as close as 25 feet from the lake contour line, closer than the basic requirement of 50 feet.

The proposed extension of the principal building is not viewable from the closest lake contour line, from any adjacent properties, or from any neighboring properties because the structure is completely obscured by a row of bamboo trees that are taller than the structure. The existing structure is only viewable from the lake.

The extension to the principal building size is planned to be 640 square feet, connected to the principal building by a breezeway. This plan provides a comfortable outdoor living space that maintains alignment and consistency with the pool and the existing principal building while not overcrowding the property. This extension shall be architecturally similar to the principal building and of like materials. This plan upgrades the area to be more visually appealing and inline with the house and community standards.

We can show the Board that the requirements for approving this variance have been met:

1. 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.

Our property has a special condition because of its shape and its location on the lake. The property is a narrow peninsula-shaped lot with a long driveway. While the property is approximately 1 acre in total size, there is a smaller area of buildable land surrounded by Lake Conway on three sides. To optimize the property for buildable land, this property has been developed with a concrete seawall, which is 8-16 inches thick, rebar reinforced, and anchored. This concrete seawall extends around the entire 700 ft of shoreline of the property. The property elevation has also been raised to 94.0 feet to support the principal structure and current accessory structures.

A literal enforcement of 50 feet from the lake contour line would not provide enough area for a patio deck and extension of the principal building to be rebuilt in their current location, and the property does not contain any other suitable area for these to be located.

2. 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.

The existing patio deck, pool, and canopy shelter were permitted and built in 2007 and 2008, approximately 10 years before the applicant purchased the property. The damage that has resulted from multiple storms, plus the poor design are not the result of any applicant's actions.

3. 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.

Given the unique shape of the property, there is no alternative location for the structures. We believe the prior owners built these structures in their optimal location, and prior variances were granted by the Board for the existing structures in these same locations. The seawall provides adequate assurance that structures can be located closer to the lake contour line without increasing risk to the property or to adjacent properties.

4. 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.

Approval of the variance would have no effects on adjacent properties or the surrounding neighborhood. Their views of the existing structures are obscured and their views of the replacement structures would be equally obscured. The structures are not viewable from the street and would have no effect on traffic control or pedestrian safety.

Attached are photos of the property and existing structures, and a concept illustration of the proposed improvements. If you would like to visit the property, we would be happy to show you. Thank you for your consideration of this application.

Sincerely,

Anthony Gallippi and Adriana Alvarez
(404) 353-3000
tonygallippi@gmail.com

This instrument prepared by (and return to):
Kevin Jon Pribell, Esquire
KEVIN JON PRIBELL, P.A.
430 North Mills Avenue, Suite 1
Orlando, FL 32803

Tax Parcel ID: 18-23-30-4386-03730

[space above this line for recording]

Warranty Deed

(Statutory Form - FS 689.02)

This Indenture, made this ____ day of June, 2017, between **ERIC R. TRUMBLE and JACQUELINE M. TRUMBLE, husband and wife**, of the County of Orange in the State of Florida, party of the first part, whose post address is 315 Salvador Square, Winter Park, FL 32789, and **ANTHONY GALLIPPI and ADRIANA ALVAREZ, husband and wife**, party of the second part, and whose post office address is 2913 Cullen Lake Shore Drive, Orlando FL 32812,

Witnesseth:

That the said party of the first part, for and in consideration of the sum of \$10.00 and other valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land, to wit:

Lot 373, LAKE CONWAY ESTATES SECTION SEVEN, according to the plat thereof as recorded in Plat Book Z, page 38, Public Records of Orange County, Florida.

This conveyance is made subject to (i) taxes for 2017 and subsequent years; (ii) zoning, restrictions, prohibitions, and other requirements imposed by government authority; and (iii) restrictions, easements and rights of way of record.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

Dated on this ____ day of June, 2017.

Signed, sealed and delivered in the presence of:

Emily H. Cook

ERIC R. TRUMBLE

Kevin Jon Pribell

JACQUELINE M. TRUMBLE

[space below this line for acknowledgments]

STATE OF FLORIDA

ACKNOWLEDGMENT

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this ____ day of June, 2017, by ERIC R. TRUMBLE and JACQUELINE M. TRUMBLE who are both personally known to me or who have produced _____ and _____, respectively, as identification.

NOTARY PUBLIC:

{notarial seal}

Kevin Jon Pribell, Notary Public-State of Florida at Large
My commission expires: March 15, 2021
My commission number is: GG 067871

Property Record - 18-23-30-4386-03-730

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

Property Summary as of 08/01/2024

Property Name

2913 Cullen Lake Shore Dr

Names

Gallippi Anthony
Alvarez Adriana

Municipality

BI - Belle Isle

Property Use

0104 - Single Fam Class IV

Mailing Address

2913 Cullen Lake Shore Dr
Belle Isle, FL 32812-1038

Physical Address

2913 Cullen Lake Shore Dr
Belle Isle, FL 32812

OR
OR
Code
Code
For
Mobile
Phone



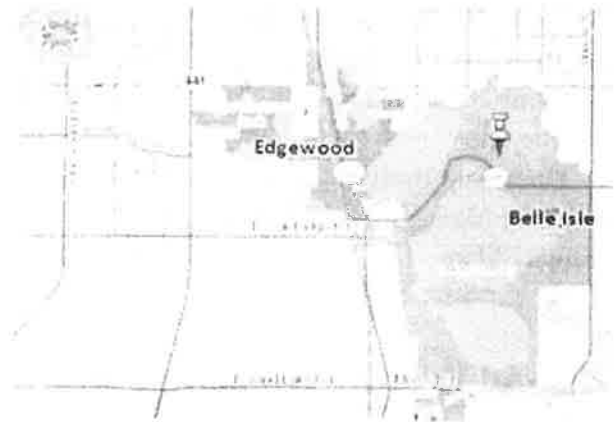
2913 CULLEN LAKE SHORE DR ORLANDO FL 32812 3/2/2020 10:13 AM

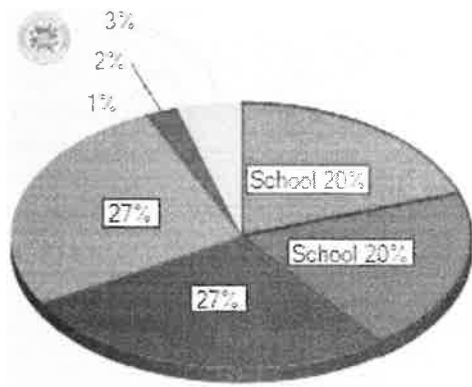


2913 CULLEN LAKE SHORE DR ORLANDO FL 32812 1/22/2019 1:56 PM



302318438603730 08/22/2006





b.

Value and Taxes

Historical Value and Tax Benefits

Tax Year Values	Land	Building(s)	Feature(s)	Market Value	Assessed Value
2023 <input checked="" type="checkbox"/> MKT	\$853,000	+ \$1,533,561	+ \$47,400	= \$2,433,961 (15%)	\$1,766,612 (3.0%)
2022 <input checked="" type="checkbox"/> MKT	\$775,000	+ \$1,298,796	+ \$48,160	= \$2,121,956 (14%)	\$1,715,157 (3.0%)
2021 <input checked="" type="checkbox"/> MKT	\$675,000	+ \$1,140,309	+ \$48,920	= \$1,864,229 (4.1%)	\$1,665,201 (1.4%)
2020 <input checked="" type="checkbox"/> MKT	\$590,000	+ \$1,150,881	+ \$49,680	= \$1,790,561	\$1,642,210

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH Cap	Tax Savings
2023 <input checked="" type="checkbox"/> \$ HX CAP	\$25,000	\$25,000	\$0	\$667,349	\$11,594
2022 <input checked="" type="checkbox"/> \$ HX CAP	\$25,000	\$25,000	\$0	\$406,799	\$7,276
2021 <input checked="" type="checkbox"/> \$ HX CAP	\$25,000	\$25,000	\$0	\$199,028	\$3,960
2020 <input checked="" type="checkbox"/> \$ HX CAP	\$25,000	\$25,000	\$0	\$148,351	\$3,143

2023 Taxable Value and Certified Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	\$1,766,612	\$25,000	\$1,741,612	3.1730 (-1.28%)	\$5,526.13	20%
Public Schools: By Local Board	\$1,766,612	\$25,000	\$1,741,612	3.2480 (0.00%)	\$5,656.76	20%
Orange County (General)	\$1,766,612	\$50,000	\$1,716,612	4.4347 (0.00%)	\$7,612.66	27%
City Of Belle Isle	\$1,766,612	\$50,000	\$1,716,612	4.4018 (0.00%)	\$7,556.18	27%
Library - Operating Budget	\$1,766,612	\$50,000	\$1,716,612	0.3748 (0.00%)	\$643.39	2%
St Johns Water Management District	\$1,766,612	\$50,000	\$1,716,612	0.1793 (-9.17%)	\$307.79	1%
Lake Conway Mstu	\$1,766,612	\$50,000	\$1,716,612	0.5750 (40.00%)	\$987.05	3%
				16.3866	\$28,289.96	

2023 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - GARBAGE - (407)851-7730	1.00	\$305.40	\$305.40
CITY OF BELLE ISLE	BELLE ISLE STRM - DRAINAGE - (407)851-7730	1.00	\$135.00	\$135.00
				\$440.40

Tax Savings





PLANNING & ZONING

City Hall
1600 Nela Avenue
Belle Isle, FL 32809

Office of the City Manager
Administration
407.851.7730 x105
407.240.2222 fax

Finance Department
407.851.7730 x104

Planning Department
407.793.5348 x103

Public Works
689.500.3473

Code Enforcement
407.849.8450

Police Department (PD)
407.240.2473 Office

407.836.4357
Non-Emergency

Website:
www.belleislefl.gov

City Requirements for Boat Dock Construction and Application Procedure

Code Analysis and Staff Recommendation for Updates to the LDC

September 10, 2024

This report provides an overview of the City's current boat dock zoning requirements, the applicable design standards from the Florida Department of Environmental Protection (FDEP), and a comparison of other local municipalities' zoning regulations for boat dock construction.

City staff recommends code changes regarding the application requirements and permitting procedures for reviewing and approving boat dock building permits to address recent citizen concerns, FDEP suggestions and rules, allow public notice prior to issuing permit approval, and practices for council involvement on boat dock permit submittals.

Belle Isle Requirements Under Sections 48-31 to 48-32

Section 48-31 cites keyword definitions and outlines the application process for boat dock permits in the City of Belle Isle. The section identifies documentation requirements needed for review on a property survey and the building plans for a permissible dock permit.

Section 48-32 provides the design criteria for a boat dock within the city limits, which includes the zoning requirements for the maximum allowable terminal platform size, the access walkway and dock width, side lot line setbacks, roof pitch design, waterfront location, and additional restrictions for a boat dock permit.

Florida Department of Environmental Protection (FDEP) Requirements

Under the Florida Administrative Code (18-21.004), a boat dock on state-owned submerged land must meet additional requirements for permit approval. The department's regulations do not supersede the city's zoning requirements but establish independent standards for boat dock construction. These independent state requirements are evaluated on a case-by-case basis and reviewed and investigated upon request from the public.

Under section 18-21.004(3)d F.A.C., standards include:

- Formal documentation of a property's riparian right lines,
- Imposing greater setback distances based on linear shoreline lengths,
- Requiring notice to neighbors within 300 feet of the dock permit site and
- A letter of concurrence from adjacent property owners for dock permit submittals.



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An excerpt of the referenced Florida Administrative Code section is identified below:

(3) Riparian rights

(d) Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are: private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the [Board of Trustees of the Internal Improvement Trust Fund of the State of Florida or TIITF]; structures and activities built or occurring prior to any requirement for Board authorization; when a letter of concurrence is obtained from the affected adjacent upland riparian owner; when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources; or when the Board determines that the activities are in the public interest.

Other Boat Dock Requirements from Local Florida Municipalities

In recent years, both the City of Edgewood and Orange County Government updated their land development code regarding boat dock permitting and construction requirements.

The City of Edgewood, located along the Conway Chain of Lakes, pursued these adoptions to address Council approvals for boat dock variances, issues with dock locations for proper water depth, and issues with side setbacks. The code update mirrors the County's regulations to improve the permit review process. Edgewood and the County code includes terminology, permit submittal requirements, and permit application review process for boat docks distinct from the City of Belle Isle:

- Definitions for Littoral and Riparian Rights.
- Documentation showing the property's riparian rights, such as an instrument indicating ownership extends to the shoreline, or legal permission to use the submerged lands to construct or modify a dock, is required.
- Provide notices to neighboring shoreline property owners.
- Outline an appeal process for City's permit approval of a dock permit.
- Practice City Council input and discretion, as needed, to review neighbors' concerns for boat dock permit proposals.



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City Staff Proposal for Code Update

The City cannot require or impose on an applicant for a boat dock permit to provide the following information to ensure compliance with 18-21.004(3)(D) F.A.C.:

- Documentation regarding the property's riparian rights.
- A letter of consent from the abutting property owners to authorize a boat dock permit.
- Establish other side setback requirements for properties/boat dock construction on state-owned submerged land.
- Establish other permit review processes to manage and address abutting neighbor concerns and navigational considerations.

After further research, City Staff found that many residential properties abutting the Conway Chain of Lakes are on state-owned submerged land. This discovery underscores the need for additional requirements for boat dock construction, which the existing land development code does not specify.

City Staff recommends that the Council request the Planning and Zoning Board to review and consider changes to the land development code sections 48-31 and 48-32 regarding boat dock construction application requirements and design criteria with City Staff for Council adoption.

Should the Council motion the Board to review other items within these code sections, we request that specific direction be provided for further research. The Board can review staff comments and the Council's feedback and create a finalized ordinance charge for Council's consideration.

Reference List:

City of Edgewood (Florida). Municode. Chapter 14. Boats, Docks and Waterways.

https://library.municode.com/fl/edgewood/codes/code_of_ordinances?nodeId=PTIICOOR_CH14BODOWA

Orange County Government (Florida). Municode. Chapter 15. Article IX. Dock Construction.

https://library.municode.com/fl/orange_county/codes/code_of_ordinances?nodeId=PTIIORCOCO_CH15ENCO_ARTIXDOCO

Florida Department of Environmental Protection. FDEP (State-Owned Submerged Land Map).

<https://geodata.dep.state.fl.us/datasets/060b916f20414c8f8e6996e4e3740cdd/explore?location=28.466309%2C-81.341904%2C13.89>

ORDINANCE NO. XX-XX

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE SECTION 50-102 ACCESSORY STRUCTURES TO ALLOW THE INSTALLATION OF FENCES AND WALLS IN FRONT YARDS WITHIN CERTAIN DEFINED OVERLAY AREAS AND CREATING RESTRICTIONS FOR SUCH FENCES AND WALLS: PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle Land Development Code currently restricts fences in front yards; and

WHEREAS, the City wishes to allow fences and walls in front yards, set height restrictions for such fences and walls, and create rules for the installation of such fences and walls that will enhance the safety of drivers, pedestrians, and property owners; and

WHEREAS, the City further wishes to add additional fence and wall requirements specific to the Hoffner Avenue overlay district, Lake Conway Estates sub-overlay district, and the Daetwyler Drive overlay district due to those districts' unique nature; and

WHEREAS, the City finds that this Ordinance advances the interests of public health, safety, and welfare.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA AS FOLLOWS:

1 Section 1. Recitals. The foregoing recitals are hereby ratified and
2 confirmed as being true and correct and are hereby made a part of this Ordinance
3 as legislative findings.

4 Section 2. City Code Amendment. Section 50-102 in Chapter 50, Article IV
5 of the City Code of Ordinances is hereby amended, all as follows (words that are
6 stricken out are deletions; words that are underlined are additions; stars * * * *
7 * indicate breaks between sections, subsections, or paragraphs and do not indicate
8 changes to the City Code; provisions not included are not being amended):

9 Sec. 50-102. - Accessory structures.

10 * * * * *

11 (b) *Fences and walls.*

12 * * * * *

13 (5) *Maximum height and permitted locations of fences, walls, and privacy*
14 *screens.*

15 a. Except as provided in subsection (b) (5)b of this section, fences and walls
16 shall be limited to a maximum height of six feet above the natural grade in the
17 rear and side yards. ~~No fences or walls shall be permitted in front yards. The~~
18 maximum height for a front yard fence or wall shall be four feet above the natural
19 grade. In the front yard, chain link fences shall be prohibited.

20 1. All gates shall maintain a minimum setback of 20 feet from the edge of the
21 roadway. Roadway shall indicate the improved or paved portion, but does not
22 include the entirety, of the right-of-way.

23 b. A maximum fence height of eight feet shall be permitted in the following
24 situations:

25

1 1. The property line along which the fence will be installed abuts a boat ramp
2 facility, public park, or commercially zoned property.

3 2. The property owner constructing the fence has obtained the written consent
4 of all owners of property that either share a property line and property corner
5 along which the fence or wall will be installed and of any owner of the property
6 with a property line within 50 feet of the fence or wall to be installed.

7 c. Residential property owners shall not construct an additional fence or wall
8 that abuts any subdivision or commercial screening wall and can be viewed from the
9 abutting public right-of-way, street, sidewalk, or abutting other public access
10 areas.

11 * * * * *

12 (7) *Construction of fences or walls near Lake Conway.* No fence or wall located
13 within 35 feet of ~~the 86.9 contour line of Lake Conway's~~ normal high water line
14 shall exceed four feet in height.

15 (8) *Location along lot lines.* A structural fence or wall shall be erected so
16 that the entire fence and all supporting structures are entirely on the owner's
17 property. Fence posts and all other supporting structures, as well as the rough
18 side of the fence, if any, shall face the owner's property, except when said fence
19 separates a residential lot from a business or industrial lot. No inspection or
20 ~~any~~ permit issued by the city shall be any evidence or guarantee that the fence
21 has been so correctly located on the subject property.

22 * * * * *

23 (13) *Obstruction of visibility.* No fence or wall shall be constructed, nor shall
24 anything be placed, planted or allowed to grow in such a manner as to obstruct or
25

1 impair visibility of oncoming vehicular or pedestrian traffic from any intersecting
2 street, driveway or alley way.

3 a. An area clear of sight obstructions shall be provided between the height of 2.5
4 and 8 feet.

5 b. A clear view triangle for a driveway is formed on each side of the driveway by
6 measuring the distance of 70 feet along the right-of-way and 10 feet along the edge
7 of the driveway.

8 (14) *Existing fences.* Any fence or wall which is erected and in violation of this
9 chapter at the time of its passage shall be exempt from the requirements of this
10 chapter, excluding those requirements of 50-102(b) (11), unless such fence or wall
11 is deemed a traffic or safety hazard.

12 (15) *Nonconforming fences.* All fences, walls, or privacy screens in violation of
13 this chapter at the time of its passage shall be governed by the following
14 conditions: Any fence, wall, or privacy screen that is in violation of the section
15 and is determined to be a traffic or safety hazard shall be made to conform to
16 this chapter three months from such determination. No portion of a nonconforming
17 fence, wall, or privacy screen shall be enlarged, extended, or structurally
18 altered except to make it conform to this chapter.

19 * * * * *

20 (17) Overlay Districts.

21 a. Hoffner Avenue

22 1. Fences and walls abutting Hoffner Avenue shall be limited to a maximum
23 height of six feet above the natural grade in the front yard.

24

25

1 2. All gates shall maintain a minimum setback of 20 feet from the right-of-way
2 line abutting the private property line.

3 3. Lake Conway Estates Sub-overlay

4 i. Masonry walls within Lake Conway Estates adjoining Hoffner Avenue shall be
5 limited to a maximum height of eight feet above the natural grade within the
6 right-of-way, provided the wall conforms to the Belle Isle approved wall materials
7 and design requirements.

8 ii. A masonry wall may encroach within the northerly five feet and southerly
9 five feet of the Hoffner Avenue right-of-way in Lake Conway Estates, or a maximum
10 encroachment of ten feet with the City Council approval, providing that the wall
11 accommodates existing trees and utilities in the surrounding area and aligns with
12 the existing subdivision wall.

13 iii. All privately owned fences and walls shall be located on such private
14 property, shall not encroach into the Hoffner Avenue right-of-way, and must meet
15 all other requirements of this section.

16 b. Daetwyler Drive

17 1. Property owners may build an opaque fence or wall in the front yard at a
18 maximum height of six feet from the grade as it abuts the Daetwyler Drive right-
19 of-way.

20 2. All gates shall maintain a minimum setback of 20 feet from the right-of-way
21 line abutting the private property line.

22 Section 3. Codification. Section 2 of this Ordinance will be incorporated into
23 the Belle Isle City Code. Any section, paragraph number, letter and/or any
24 heading may be changed or modified as necessary to effectuate the foregoing.

25

1 Grammatical, typographical, and similar or like errors may be corrected, and
2 additions, alterations, and omissions not affecting the construction or meaning
3 of this Ordinance and the City Code may be freely made.

4
5 Section 4. Severability. If any section, subsection, sentence, clause, phrase,
6 word, or provision of this Ordinance is for any reason held invalid or
7 unconstitutional by any court of competent jurisdiction, whether for substantive,
8 procedural, or any other reason, such portion shall be deemed a separate,
9 distinct, and independent provision, and such holding shall not affect the
10 validity of the remaining portions of this Ordinance.

11
12 Section 5. Conflicts. In the event of a conflict or conflicts between this
13 Ordinance and any other Ordinance or provision of law, this Ordinance governs and
14 controls to the extent of any such conflict.

15
16 Section 6. Effective Dates. This Ordinance shall become effective immediately
17 upon adoption by the City Commission of the City of Belle Isle, Florida (the
18 "Effective Date") and shall apply to all applications for permits received on or
19 after the Effective Date.

20
21 First Reading held on September 3, 2024.
22 Second Reading held on _____.

23
24
25

1 ADOPTED at a regular meeting of the City Commission of the City of Belle Isle,
2 Florida, held in City Hall, Belle Isle, on this _____ day of _____,
3 2023.

	YES	NO	ABSENT
4 Ed Gold	_____	_____	_____
5 Anthony Carugno	_____	_____	_____
6 Karl Shuck	_____	_____	_____
7 Randy Holihan	_____	_____	_____
8 Beth Lowell	_____	_____	_____
9 Stanley Smith	_____	_____	_____
10 Jim Partin	_____	_____	_____

11 ATTEST: _____

CITY OF BELLE ISLE

12
13 Yolanda Quiceno, CMC-City Clerk

14
15 Nicholas Fouraker, Mayor

16 _____

17 Approved as to form and legality

18 For use and reliance by

19 Giffin Chumley, City Attorney

20 STATE OF FLORIDA

21 COUNTY OF ORANGE

22 I, Yolanda Quiceno, City Clerk of the City of Belle Isle, do hereby certify that
23 the above and foregoing document ORDINANCE XX-XX was duly and legally passed by

24

25

1 the Belle Isle City Council, in session assembled on the _____ day of
2 _____ 2024. At this session, a quorum of its members was present.

3

4

5 Yolanda Quiceno, CMC-City Clerk

6

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