



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, October 22, 2024 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 3 member – Randy Holihan, Chairman

Vice Chairman – District 4 member – Vinton Squires

District 1 member – OPEN | District 2 member – OPEN | District 5 member – Rainey Conduff

| District 6 member – Andrew Thompson | District 7 member – Dr. Leonard Hobbs

Welcome to the City of Belle Isle Planning & Zoning meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on 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** - na
4. **Public Hearings**
 - a. P&Z Case Number 2024-08-009: PURSUANT TO SECTION 54-80 (F) (4), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON THE PROPOSED SITE PLAN FOR COMMERCIAL IMPROVEMENT, SUBMITTED BY APPLICANT PHILLIPS BUSWELL LLC, C/O JPC CONSTRUCTION INC., TO INSTALL THREE BOLLARDS LOCATED AT 6001 S. ORANGE AVENUE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #24-23-29-8680-05-013.
 - b. P&Z Case Number 2024-09-008: PURSUANT TO SECTION 50-102 (B) (5), 50-102 (B) (16), 30-133 (D) (3), 30-133 (E) (3), AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE EIGHT FEET IN HEIGHT ALONG THE NORTHERNLY SIDE YARD LOT LINE WITHOUT THE WRITTEN CONSENT OF ALL THE PROPERTY OWNERS WITHIN 50 FEET OF THE PROPOSED FENCE INSTALLATION, AND A REQUESTED VARIANCE TO ALLOW A FRONT YARD DRIVEWAY WITHIN THREE FEET OF THE NORTHERNLY SIDE LOT LINE AND ALLOW THE FRONT EDGE OF THE PREPARED SURFACE LESS THAN FIVE FEET FROM THE PAVED SIDEWALK CONTRARY TO THE CITY CRITERIA FOR PARKING ON A PREPARED SURFACE IN A RESIDENTIAL AREA, SUBMITTED BY APPLICANT CLAUDIA MUSTAFA, LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020
 - c. P&Z Case Number 2024-09-025: PURSUANT TO SECTION 50-73 (A), 54-75 (C) (9), AND 42-63, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW A TEN-FOOT REDUCTION OF THE FRONT YARD SETBACK FOR A NEW SINGLE-FAMILY RESIDENCE TO 20 FEET INSTEAD OF THE REQUIRED 30-FOOT FRONT YARD BUILDING SETBACK, SUBMITTED BY APPLICANT CASAGALAN LLC, LOCATED AT 4010 ISLE VISTA AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-0668-00-220.
5. **Other Business**
 - a. Reschedule or Combine the November 26th and December 24th P&Z Meetings
 - b. Schedule Discussion and Review of the City's Boat Dock Requirements
 - c. Schedule Discussion and Review of the Overlay District (i.e. McCoy Road)
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

MEMORANDUM

TO: Planning and Zoning Board

DATE: October 22, 2024

RE: Variance Application – 6001 S. Orange Avenue

P&Z Case Number 2024-08-009: PURSUANT TO SECTION 54-80 (F) (4), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON THE PROPOSED SITE PLAN FOR COMMERCIAL IMPROVEMENT TO INSTALL THREE BOLLARDS, SUBMITTED BY APPLICANT PHILLIPS BUSWELL LLC, C/O JPC CONSTRUCTION INC., LOCATED AT 6001 S. ORANGE AVENUE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #24-23-29-8680-05-013.

Background:

1. On August 14, 2024, the applicant submitted a Site Plan Review and the required paperwork.
2. Letters to the abutting property owners were mailed within 300 feet of the subject property on October 11, 2024
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on October 12, 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 54-80 (F) (4) **TO APPROVE** THE PROPOSED SITE PLAN FOR COMMERCIAL IMPROVEMENT TO INSTALL THREE BOLLARDS, SUBMITTED BY APPLICANT PHILLIPS BUSWELL LLC, C/O JPC CONSTRUCTION INC., AT 6001 S. ORANGE AVENUE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #24-23-29-8680-05-013.

SAMPLE MOTION TO DENY:

“I MOVE, PURSUANT TO BELLE ISLE CODE 54-80(F)(4), 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]* THE PROPOSED SITE PLAN FOR COMMERCIAL IMPROVEMENT TO INSTALL THREE BOLLARDS, SUBMITTED BY APPLICANT PHILLIPS BUSWELL LLC, C/O JPC CONSTRUCTION INC., AT 6001 S. ORANGE AVENUE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #24-23-29-8680-05-013.

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, Florida

Planning and Zoning: Staff Report

October 11, 2024

Commercial Site Plan Request: 6001 S. Orange Avenue

Application Request: PURSUANT TO SECTION 54-80 (F) (4), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON THE PROPOSED SITE PLAN FOR COMMERCIAL IMPROVEMENT, SUBMITTED BY APPLICANT PHILLIPS BUSWELL LLC, C/O JPC CONSTRUCTION INC., TO INSTALL THREE BOLLARDS LOCATED AT 6001 S. ORANGE AVENUE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID # 24-23-29-8680-05-013.

Existing Zoning/Use: C-2 / General Commercial District

Background

The applicant submitted a site plan to construct three bollards on the commercial property, abutting the northwest side of the existing establishment at the intersection of S. Orange and Fairlane Avenue. The proposed bollard location is entirely on private property with the intention of protecting the building and its occupants from vehicular impact. The establishment has experienced car crashes along the building side of the proposed bollard location. The Site Plan submittal includes photographs of these crashes.

Pursuant to section 54-80 (F), site plans for general commercial districts must be approved by the Planning and Zoning Board before granting a building permit. Upon such approval, said site plan becomes a part of the building permit and may be amended only by the board.

Staff Recommendation

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

The applicant has demonstrated the need to install the proposed bollards at the commercial property due to previous vehicular damage to the building on more than one occasion. The proposed bollards do not obstruct the pedestrian walkway for public access and do not encroach within the city right-of-way. Staff recommends approval of the requested site plan.

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.

Site Plan Review

a.



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 * Fax 407-240-2222 * www.cityofbelleislefl.org

Zoning Review Application

Select Type: Flood Plans [] Air Balloons []
Banner []

Date: 8/14/2024

Review # 2024-08-009

Project Description Install 3 bollards

Parcel ID # 24-23-29-8680-05-013

To obtain this information please visit <http://www.ocpafl.org/Searches/ParcelSearch.aspx>

Property Owners Name Phillips Buswell, LLC

Phone 407-948-3937 Mobile 407-948-3937

Address of Structure 6001 S Orange Ave Belle Isle, FL 32809

Estimated Value of Work \$3,500.00 Zoned _____

Contractor Name John Carr Company Name JPC Construction, Inc

Phone 407-947-5400 Fax N/A

Name of Active Certificate Holder John Carr License No. CBC1254850

Architect Name N/A

- Attached Survey _____ SETS and/or Construction Plans _____ SETS
- Inspection will be required to finalize permit. Please call City Hall 407-851-7730. Note, this Zoning Approval MAY or MAY NOT be in conflict with your Deed Restrictions.

I hereby acknowledge that the above is correct and true, and agree to conform to the City of Belle Isle's Building Regulations, Codes and Ordinances. If a sidewalk or street is damaged, I agree to restore same to the pre-damaged condition. I further acknowledge that the proposed construction does not violate any deed restrictions on the property.

Signature [Signature]

[] Owner [x] Agent

FOR BELLE ISLE USE ONLY
Received 9/5/24 FEE 75.00 Chk# 167

ZONING APPROVAL STAMP:

Republic Services is by legal contract the sole authorized provider of garbage, recycling, yard waste, and commercial garbage and construction debris collection and disposal services with the city limits of the City. Contractors, homeowners and commercial businesses may contact Republic Services at 407-293-8000 to setup accounts for Commercial, Construction Roll Off, or other services needed. Rates are fixed by contract and are available at City Hall or from Republic Services. The City enforces the contract through its code enforcement office. Failure to comply will result in a stop work order.



City of Belle Isle
Universal Engineering Sciences 3532 Maggie Blvd., Orlando, FL 32811
Tel 407-581-8161 * Fax 407-581-0313 * www.universalengineering.com

Building / Land Use Permit Application

DATE: 8/14/2024

PERMIT # _____

PROJECT ADDRESS 8001 S Orange Ave, Belle Isle, FL 32809 32812

PROPERTY OWNER Phillips Buswell, LLC PHONE 407-948-3937

VALUE OF WORK (labor & material) \$ 3,500.00

PLEASE LIST THE NATURE OF YOUR PROPOSED IMPROVEMENTS

Install 3 Bollards

Please provide information, if applicable.

- SINGLE FAMILY RESIDENCE:** 8.5"x11" Plat Survey, Plot Plan of Home and Floor Plans of New Construction/Revision Required
- BOAT DOCK:** DEP Clearance Required with Application (Call 407-897-4100); please provide a copy of their report
- SEPTIC SYSTEM (RESIDENTIAL):** - Provide verification of OC Health Dept approval for on-site septic tank system, per FAC Chap. 64E-6
- Homeowners will be required to have a contractor on record for homes that are rented and/or not homestead

Please Complete for the City of Belle Isle Zoning Review: **Parcel Id Number:** 24-23-29-8680-05-013

To obtain this information, please visit <http://www.ocpafll.org/Searches/ParcelSearch.aspx>

SPECIAL CONDITIONS: STRUCTURES MAY NOT ENCR OACH INTO ANY EASEMENT OR REQUIRED SETBACK. Survey specific foundation plan required to show compliance with zoning setbacks. Note: this Zoning Approval MAY or MAY NOT be in conflict with your Deed Restrictions. For New Single Family Residence, a Traffic Impact Fee and School Impact will be assessed.

Wind Exposure Category: B C D

PLANNING & ZONING APPROVAL: _____
DATE _____

SPRINKLERS REQ'D	Y	N	\$
If Required - SUBMIT COPY OF PLANS FOR FIRE REVIEW			
	Date: Sent	RCD	
ZONING	Y	N	\$ _____
CERT OF OCC	Y	N	\$ _____
TRAFFIC	Y	N	\$ _____
SCHOOL	Y	N	\$ _____
FIRE	Y	N	\$ _____
SWIMMING POOL	Y	N	\$ _____
SCREEN ENCLOSURE	Y	N	\$ _____
ROOFING	Y	N	\$ _____
BOAT DOCK	Y	N	\$ _____
BUILDING	Y	N	\$ _____
WINDOW(S)	Y	N	\$ _____
DOOR(S)	Y	N	\$ _____
FENCE	Y	N	\$ _____
SHED	Y	N	\$ _____
DRIVEWAY	Y	N	\$ _____
OTHER	Y	N	\$ _____

PLEASE COMPLETE for Building Review (min. of 2 sets of signed/sealed plans required)

CONSTRUCTION TYPE _____

OCCUPANCY GROUP _____ Comm Res: _____ Single Fam _____ Multi Fam

#BLDG. _____ #UNITS _____ #STORIES _____ TOTAL SQ.FT. _____

MAX. FLOOR LOAD _____ MAX. OCCUPANCY _____

MIN. FLOOD ELEV. _____ LOW FLOOR ELEV. _____

WATER SERVICE _____ WELL _____ SEPTIC _____

BUILDING REVIEWER _____ DATE _____

VERIFIED CONTRACTOR'S LICENSE & INSURANCE ARE ON FILE _____ DATE _____

Per FSS 105.3.3:

An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."

Republic Services is by legal contract the sole authorized provider of garbage, recycling, yard waste, and commercial garbage and construction debris collection and disposal services with the city limits of the City. Contractors, homeowners and commercial businesses may contact Republic Services at 407-293-8000 to setup accounts for Commercial, Construction Roll Off, or other services needed. Rates are fixed by contract and are available at City Hall or from Republic Services. The City enforces the contract through its code enforcement office. Failure to comply will result in a stop work order.

SEPARATE PERMITS ARE REQUIRED FOR ROOFING, ELECTRICAL, PLUMBING, GAS, MECHANICAL, SIGNS, POOLS, ENCLOSURES, ETC.

1% BCAIB FEE _____

1.5% DCA FEE _____

TOTAL _____

OTHER PERMITS REQUIRED:

ELECTRICAL	Y	NA
PREPOWER	Y	NA
MECHANICAL	Y	NA
PLUMBING	Y	NA
ROOFING	Y	NA
GAS	Y	NA



City of Belle Isle
Universal Engineering Sciences 3532 Maggie Blvd., Orlando, FL 32811
Tel 407-581-8161 * Fax 407-581-0313 * www.universalengineering.com

Building Permit (Land Use) Application
To be completed as required by State Statute Section 713 and other applicable sections.

Owner's Name Phillips Buswell, LLC

PERMIT # _____

Owner's Address 6001 S Orange Ave Belle Isle, FL 32809

Contractor Name <u>John Carr</u>	Company Name <u>JPC Construction, Inc</u>
License # <u>CBC1254850</u>	Company Address <u>4210 Kezar Court</u>
Contact Phone/Cell <u>407-947-5400</u>	City, State, ZIP <u>Belle Isle, FL 32812</u>
Contact Email <u>jpcconstruction@aol.com</u>	Contact Fax <u>N/A</u>

WARNING TO OWNER: Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. A notice of commencement must be recorded if job is \$2500(+) or if A/C Replacement \$7500(+) and posted on the job site before the first inspection. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.

I hereby make Application for Permit as outlined above, and if same is granted I agree to conform to all Division of Building Safety Regulations (www.floridabuilding.org) and City Ordinances (www.municode.com) regulating same and in accordance with plans submitted. The issuance of this permit does not grant permission to violate any applicable City and/or State of Florida codes and /or ordinances. Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a **separate** permit must be secured for all other construction including ROOFING, ELECTRICAL, MECHANICAL, PLUMBING, GAS, SIGNS, POOLS, SCREEN ENCLOSURES, ETC.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

Owner Signature _____

The foregoing instrument was acknowledged before me this 8/13/24
by Indsey Phillips who is personally known to me
and who produced FL Drivers Lic
as identification and who did not take an oath.

Notary as to Owner _____
State of Florida
County of Orange
Notary Public State of Florida
Margaret E Willis
My Commission HH 432834
Expires 9/21/2027

Impervious Surface Ratio Worksheet
Development Zoned A-1, A-2, R-1-AAA, R-1-AA, R-1-A, R-1 per City Code, Section 50-74: Impervious Surface Ratio

- Total Lot Area (sqft) X 0.35 = Allowable Impervious Area (BASE).
Total Lot Area _____ X 0.35=
Allowable Impervious Area (BASE) _____
- Calculate the "proposed" impervious area on the lot. This includes the sum of all areas that do not allow direct percolation of rainwater. Examples include house, pool, deck, driveway, accessory building, etc.
 - House _____
 - Driveway _____
 - Walkway _____
 - Accessory Buildings _____
 - Pool & Spa _____
 - Deck & Patio _____
 - Other _____

Actual Impervious Area (AIA) _____

- If AIA is less than BASE, subtract AIA from BASE to determine the amount of impervious area that may be added without providing onsite retention.
- If AIA is greater than BASE, then onsite retention **must be provided**.

Assuming 7.5 inches of rainfall based on a 24hr 10 year Rain Event (TP40), the formula is: (7.5 inches rainfall/12 inches p/foot) X (result from line 4) = cubic feet of storage volume needed

Contractor Signature _____

COMPANY NAME JPC Construction, Inc.
The foregoing instrument was acknowledged before me this 8/13/24
by John P Carr who is personally known to me
and who produced FL Drivers License
as identification and who did not take an oath.

Notary as to Owner _____
State of Florida
County of Orange
Notary Public State of Florida
Margaret E Willis
My Commission HH 432834
Expires 9/21/2027



JPC Construction Inc.
LIC. # CBC1254850

4210 Kezar Court
Belle Isle, FL 32812
Tel: 407-947-5400

John@jpcconstructioninc.com

a.

August 13, 2024

6001 S Orange Ave

Belle Isle, FL 32809

My client wants to add : 3 bollards to the front corner of his building to help protect the renters of the units. There has been several vehicles that have crashed into the building over the years and as recently as of last month. The workers in the building are coming to work with a bit of fear. We feel this will go a long way to help protect the people inside and the building.

Thank you for your consideration,

John P. Carr

JPC Construction, Inc.

CERTIFIED TO:
JOSE MALDONADO

PROPERTY ADDRESS:
6001 S ORANGE AVE
ORLANDO, FL 32809

SURVEY NUMBER: 404682

COMMUNITY NUMBER: 120179

PANEL: 0430

SURVEY: F

FLOOD ZONE: X

FIELD WORK: 2/17/2020

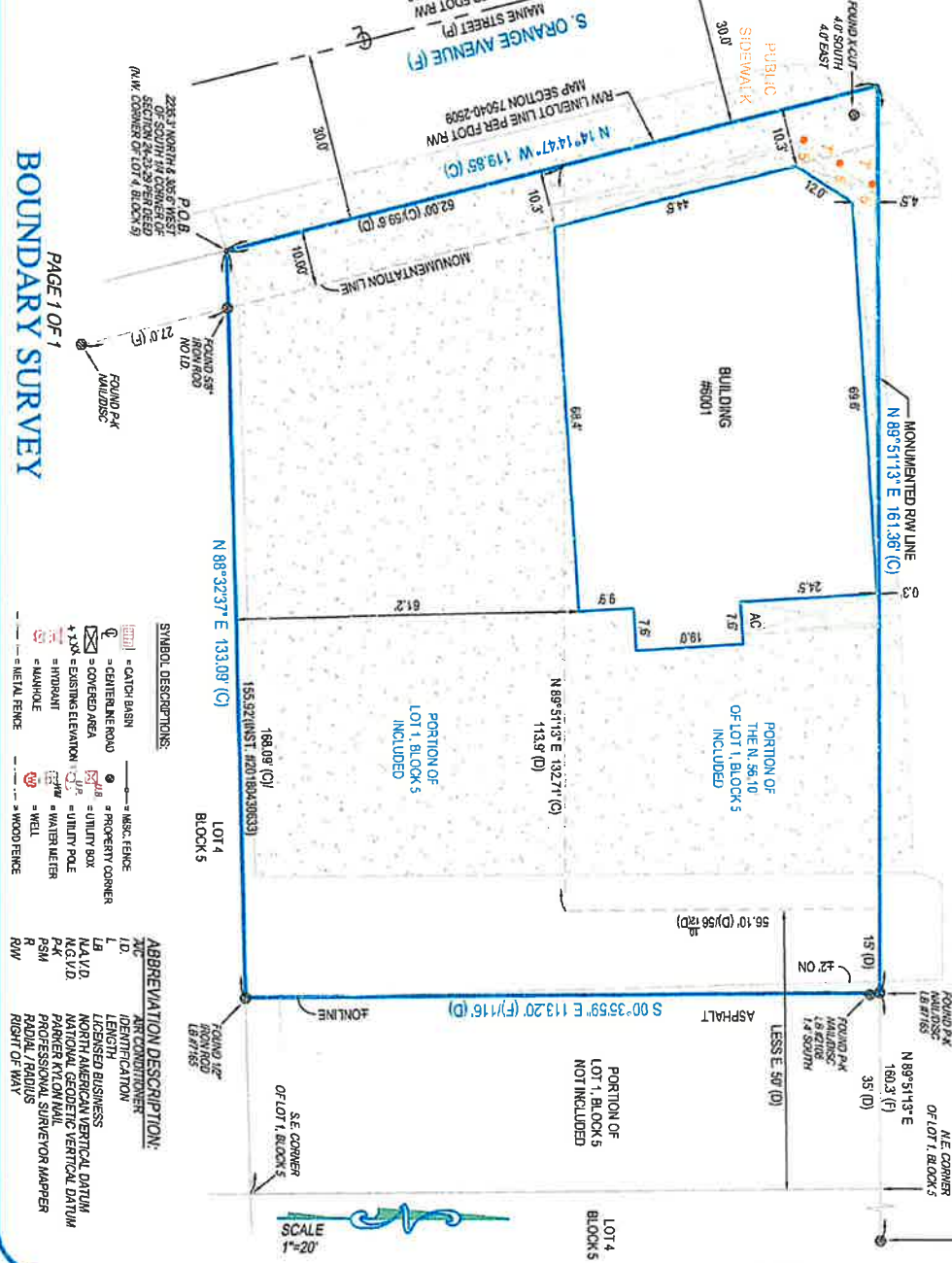
SURVEY NOTES
CONCRETE CROSSING PROPERTY BOUNDARY ON NORTHERLY & WESTERLY SIDES OF LOT ASPHALT CROSSING PROPERTY BOUNDARY ON EASTERLY SIDE OF LOT THE BEARINGS SHOWN HEREON ARE REFERENCED FROM PDOT R/W MAP SECTION 15040-2509

LEGAL DESCRIPTION:
NORTH 86.10 FEET OF LOT ONE (1), LESS THE EAST 50 FEET, BLOCK FIVE (5) OF C.R. TINNER'S PLAT OF PINE CASTLE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "C", PAGE 90, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; AND BEGIN AT A CONCRETE POST 2235.3 FEET NORTH AND 305.6 FEET WEST OF THE 1/4 SECTION CORNER ON SOUTH SIDE OF SECTION 24, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; AND RUN THENCE NORTH PARALLEL TO THE BRICK ROAD 99.6 FEET TO A CONCRETE POST; THENCE EAST 113.9 FEET TO A CONCRETE POST; THENCE NORTH 56 AND 101/2 FEET TO A CONCRETE POST; THENCE EAST 15 FEET PARALLEL TO DIVISION STREET; THENCE SOUTH 116 FEET; THENCE WEST TO POINT OF BEGINNING, BEING A PART OF LOT 1, BLOCK 5, OF C.R. TINNER'S SUBDIVISION, PINE CASTLE, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "C", PAGE 90, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

● Install 3 bollards
5' Off the building & 7' inbetween
FAIRLANE AVENUE (F)
DIVISION STREET (P)
UNDETERMINED R/W

BOUNDARY SURVEY

PAGE 1 OF 1



- GENERAL NOTES:**
- LEGAL DESCRIPTION PROVIDED BY OTHERS
 - THE LANDS SHOWN HEREON WERE NOT ASTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT
 - ALL MEASUREMENTS TO THE FACE OF THE MONUMENTS AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES
 - ONLY VISIBLE ENCUMBRANCES ARE LOCATED

- DIMENSIONS SHOWN HEREON ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED
- PERMITS, EASEMENTS, OR OTHER RIGHTS ARE BASED ON A 1/4 SECTION UNLESS OTHERWISE NOTED
- EXISTING UTILITIES, SUCH AS WATER, GAS, AND SEWER, ARE NOT SHOWN UNLESS OTHERWISE NOTED
- CONTROL POINTS, SUCH AS BENCHMARKS, ARE NOT SHOWN UNLESS OTHERWISE NOTED
- CONTROL POINTS, SUCH AS BENCHMARKS, ARE NOT SHOWN UNLESS OTHERWISE NOTED

SYMBOL DESCRIPTIONS:

○	CATCH BASIN
⊕	CENTERLINE ROAD
⊗	COVERED AREA
⊕	EXISTING ELEVATION
⊕	HYDRANT
⊕	MANHOLE
⊕	METAL FENCE
⊕	WOOD FENCE
⊕	MISC. FENCE
⊕	PROPERTY CORNER
⊕	UTILITY BOX
⊕	UTILITY POLE
⊕	WATER METER
⊕	WELL

ABBREVIATION DESCRIPTION:

AC	ARE CONDITIONER
I.D.	IDENTIFICATION
LA	LICENSED BUSINESS
NA.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
P.K.	PARKER KEYLON MAIL
PSM	PROFESSIONAL SURVEYOR-MAPPER
R	RADIAL/RADIUS
R/W	RIGHT-OF-WAY

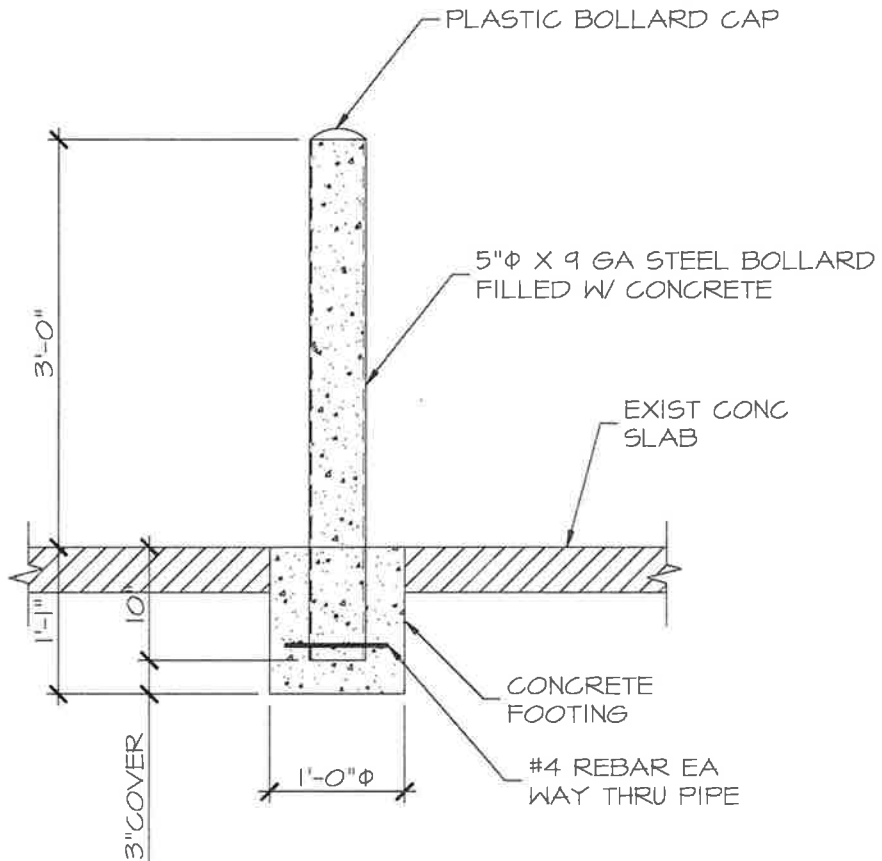
SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

KENNETH OSBORNE
Digitally signed by KENNETH OSBORNE
Date: 2020.02.27 09:56:06

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415



LB #7893
SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>



BOLLARD DETAIL

SCALE: 3/4" = 1'-0"

NOTE:

1. ROUND PIPE: A53 GRADE B, $F_y = 35\text{KSI}$
2. SOIL SHALL BE CLEAN SAND WITH A MINIMUM ALLOWABLE LATERAL PASSIVE SOIL BEARING PRESSURE OF 200 PSF/FT (FOR ISOLATED POLE).
3. CONCRETE: EXIST SHALL BE 3000 P.S.I. MIN.

PROJECT BOLLARD DETAIL S, ORANGE AVE ORLANDO, FL	
CONTRACTOR JPC CONSTRUCTION, INC.	
PROJECT NO. 24109	S1
DATE 09-04-24	
SHEET 1 OF 1	





embroidery solutions

407-438-8188

REBEL REPRINTS
WE PRINT
STICKERS
BANNERS
ART PRINTS

REBEL



JPC CONSTRUCTION, INC
 4210 KEZAR CT
 BELLE ISLE, FL 32812

167
 63-515/670
 01

Date 9/5/24 FRAUDARMOR+

Pay to the Order of City of Belle Isle \$ 75.00

Seventy-Five and 00/100 Dollars

SeacoastBank
 SEACOAST NATIONAL BANK
 STUART, FLORIDA 34994

For 6001 S. Orange Ave

MP

⑆067005158⑆ 4860036835⑆00167

RECEIPT No. 453190

DATE 9/5/24

FROM JPC Construction Inc \$ 75.00

seventy five DOLLARS

FOR RENT Tommy Site Plan Review

FOR

ACCT.		<input checked="" type="radio"/> CASH
PAID	<u>75</u>	<input checked="" type="radio"/> CHECK <u>167</u>
DUE		<input type="radio"/> MONEY ORDER
		<input type="radio"/> CREDIT CARD

FROM _____ TO _____

BY [Signature]

A-1152
T-4161

MEMORANDUM

TO: Planning and Zoning Board

DATE: October 22, 2024

RE: Variance Application – 5208 Driscoll Court

P&Z Case Number 2024-09-008: PURSUANT TO SECTION 50-102 (B) (5), 50-102 (B) (16), 30-133 (D) (3), 30-133 (E) (3), AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE EIGHT FEET IN HEIGHT ALONG THE NORTHERNLY SIDE YARD LOT LINE WITHOUT THE WRITTEN CONSENT OF ALL THE PROPERTY OWNERS WITHIN 50 FEET OF THE PROPOSED FENCE INSTALLATION, AND A REQUESTED VARIANCE TO ALLOW A FRONT YARD DRIVEWAY WITHIN THREE FEET OF THE NORTHERNLY SIDE LOT LINE AND ALLOW THE FRONT EDGE OF THE PREPARED SURFACE LESS THAN FIVE FEET FROM THE PAVED SIDEWALK CONTRARY TO THE CITY CRITERIA FOR PARKING ON A PREPARED SURFACE IN A RESIDENTIAL AREA, SUBMITTED BY APPLICANT CLAUDIA MUSTAFA, LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020

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1. On September 9, 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 October 11, 2024
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on October 12, 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), 50-102 (B) (16), 30-133 (D) (3), 30-133 (E) (3) **TO APPROVE** A FENCE EIGHT FEET IN HEIGHT ALONG THE NORTHERNLY SIDE YARD LOT LINE WITHOUT THE WRITTEN CONSENT OF ALL THE PROPERTY OWNERS WITHIN 50 FEET OF THE PROPOSED FENCE INSTALLATION, AND A REQUESTED VARIANCE TO ALLOW A FRONT YARD DRIVEWAY WITHIN THREE FEET OF THE NORTHERNLY SIDE LOT LINE AND ALLOW THE FRONT EDGE OF THE PREPARED SURFACE LESS THAN FIVE FEET FROM THE PAVED SIDEWALK CONTRARY TO THE CITY CRITERIA FOR PARKING ON A PREPARED SURFACE IN A RESIDENTIAL AREA, SUBMITTED BY APPLICANT CLAUDIA MUSTAFA, LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020

SAMPLE MOTION TO DENY:

“I MOVE, PURSUANT TO BELLE ISLE CODE 42-64 50-102 (B) (5), 50-102 (B) (16), 30-133 (D) (3), 30-133 (E) (3), 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 FENCE EIGHT FEET IN HEIGHT ALONG THE NORTHERNLY SIDE YARD LOT LINE WITHOUT THE WRITTEN CONSENT OF ALL THE PROPERTY OWNERS WITHIN 50 FEET OF THE PROPOSED FENCE INSTALLATION, AND A REQUESTED VARIANCE TO ALLOW A FRONT YARD DRIVEWAY WITHIN THREE FEET OF THE NORTHERNLY SIDE LOT LINE AND ALLOW THE FRONT EDGE OF THE PREPARED SURFACE LESS THAN FIVE FEET FROM THE PAVED SIDEWALK CONTRARY TO THE CITY CRITERIA FOR PARKING ON A PREPARED SURFACE IN A RESIDENTIAL AREA, SUBMITTED BY APPLICANT CLAUDIA MUSTAFA, LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020

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, Florida

Planning and Zoning: Staff Report

October 11, 2024

Variance Request: 5208 Driscoll Court

Application Request: PURSUANT TO SECTION 50-102 (B) (5), 50-102 (B) (16), 30-133 (D) (3), 30-133 (E) (3), AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE EIGHT FEET IN HEIGHT ALONG THE NORTHERNLY SIDE YARD LOT LINE WITHOUT THE WRITTEN CONSENT OF ALL THE PROPERTY OWNERS WITHIN 50 FEET OF THE PROPOSED FENCE INSTALLATION, AND A REQUESTED VARIANCE TO ALLOW A FRONT YARD DRIVEWAY WITHIN THREE FEET OF THE NORTHERNLY SIDE LOT LINE AND ALLOW THE FRONT EDGE OF THE PREPARED SURFACE LESS THAN FIVE FEET FROM THE PAVED SIDEWALK CONTRARY TO THE CITY CRITERIA FOR PARKING ON A PREPARED SURFACE IN A RESIDENTIAL AREA, SUBMITTED BY APPLICANT CLAUDIA MUSTAFA, LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020.

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

Background

The applicant requests to construct a fence eight feet in height along the side and rear lot lines of the residential property. The city’s land development code allows fences eight feet in height with the written consent of the abutting property owners within 50 feet of the proposed site. The applicant seeks to expedite the fence permit process by applying for a variance request.

The applicant also requests to expand their driveway layout, as shown on the site plan. The proposed driveway improvement is approximately 9.5 feet by 29.5 feet in the designated front yard and is located three feet from the Driscoll right-of-way and three feet from the side lot line. The proposed driveway extends into the side yard entirely with zero setbacks from the side lot line. The Narrative Letter details that the proposed driveway is designed to accommodate their boat and trailer.

Staff Recommendation

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

Pursuant to section 50-102(B)(16), regarding the requested fence height:

- a. In the event the applicant wishes to construct a fence or wall different from any of the provisions of this subsection (b), a variance must be applied 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 the 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), staff recommends that the Board approve the requested variance to construct a fence eight feet in height as the proposal is the minimal possible variance from the city code and demonstrates existing conditions for privacy need.

Pursuant to sections 30-133 (D) (3), 30-133 (E) (3), and 42-62:

The following criteria must be met for approval of the prepared surface:

- 1) The location of the surface must be adjacent to the existing driveway or placed in line with either outside edge of the existing structure.
- 2) The surface must be placed such that the vehicle, when parked, is perpendicular to the existing structure.
- 3) The front edge of the surface must be not less than five feet from the front property line.

Any vehicle parked in a front yard must be parked:

- (1) Completely on an approved prepared surface as described in this section.
- (2) At least three feet from any existing sidewalk.
- (3) At least three feet from any side lot line.
- (4) At least three feet from a non-sidewalk curb or roadway if no curb.

The applicant requests to encroach within three feet of the side lot line in the front yard, extend the driveway in the side yard with no setbacks to the side lot line, and create the front edge of the prepared surface within five of the front property line. The site plan notes that the property maintains a five-foot utility easement along the side and rear lot lines, typical for residential properties.

Staff recommends that the Board not approve the requested variance to expand the driveway within three feet of the side lot line in the front yard, and not allow the front edge of the surface less than five feet from the front property line. Utility easements are dedicated to other entities in perpetuity unless the easement is abandoned, or consent is granted to utilize the area.

Should the Board approve the requested variance for the driveway, staff recommends that a condition of approval be placed on the request to ensure that the applicant receives written consent from the utility company to allow pavers within the five-foot utility easement.

Additional Notes

Please note that the Board may approve the proposed special exception application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809
Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

2024-09-008

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	Chardice Mostafa	OWNER	Yuvael Romero Chardice Mostafa
ADDRESS	5208 Duiscoll Ct	PROJECT ADDRESS	5208 Duiscoll Ct Belle Isle
CONTACT NUMBER	407530.7116	OWNER'S CONTACT NUMBER	407530 7116
EMAIL	cmustafa.30@icloud.com	OWNER'S EMAIL	cmustafa.30@icloud.com
PARCEL ID#			
LAND USE CLASSIFICATION		ZONING DISTRICT	
SECTION OF THE CODE VARIANCE REQUESTED ON 50-102B			
DETAILED VARIANCE REQUEST We are requesting permission to install 8 feet fence and also to install pavers with the 3 feet.			
<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 type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	P&Z CASE NUMBER 2024-09-008
			DATE OF HEARING

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

- the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the Board's discretion, such variance may be revoked for violation of the condition and 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. 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	9/9/24	180	
	Date Paid	Check/Cash	Rec'd By



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

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.**

Date: 9/7/2024

To:

City of Belle Isle Board of Adjustment
1600 Nela Avenue
Belle Isle, FL 32809

Subject: Variance Request for 5208 Driscoll Ct, Belle Isle, FL

Dear Members of the Board,

I am writing to formally request three variances for my property located at 5208 Driscoll Ct, Belle Isle, FL. The variances requested are as follows:

Variance 1:

We are requesting permission to install an 8-foot fence along the northern side of the property. Our neighbor at 5200 Driscoll Ct has made it very clear that they are uncomfortable with our presence, frequently calling both the city and the police to make false complaints. These include claims of illegal construction and unjustified accusations of loud music, which the police have verified were not accurate. To prevent further conflict and maintain privacy, we believe an 8-foot fence is necessary.

Variance 2:

Our family owns a 28-foot center console boat, which we need to park on the north side of the property, behind the gate. The boat and trailer require a driveway that is at least 10 feet wide and extends 50 feet to accommodate the trailer's dimensions. Installing pavers in this area is crucial due to the weight of the boat and trailer, as a solid surface is needed for safe parking and maneuvering. The current grass surface is inadequate for this purpose.

Variance 3:

We are also requesting permission to install pavers within the 3-foot setback on the north side, behind the gate. This is necessary to allow the boat trailer, which is 10 feet wide, to fit and maneuver safely in the designated area. The extra width provided by the pavers will ensure the trailer can be parked properly without causing any issues.

Please find the attached site plan detailing the proposed changes for your review.

We appreciate your consideration of these requests and believe these modifications will improve the functionality and privacy of our property, while also resolving ongoing concerns with our neighbor.

Thank you for your time and attention to this matter. Please feel free to contact me at 407 530-7116, should you need any further information.

Sincerely,

Claudia Mustafa
5208 Driscoll Ct
Belle Isle, FL 32812
cmustafa30@icloud.com

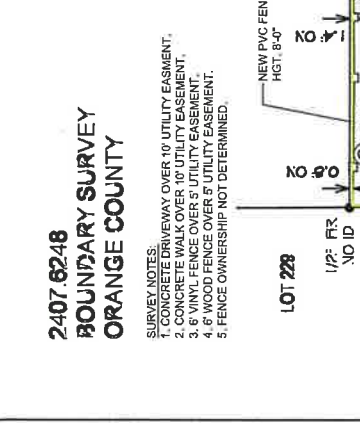
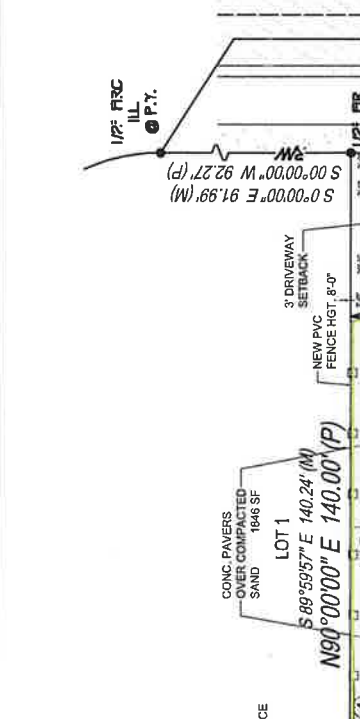
2407.6248 BOUNDARY SURVEY ORANGE COUNTY

PROPOSED FENCE - SITE PLAN
SCALE: 1" = 10'-0"

- SURVEY NOTES:**
1. CONCRETE DRIVEWAY OVER 10' UTILITY EASEMENT.
 2. CONCRETE WALK OVER 10' UTILITY EASEMENT.
 3. 6" VINYL FENCE OVER 5' UTILITY EASEMENT.
 4. 6" WOOD FENCE OVER 5' UTILITY EASEMENT.
 5. FENCE OWNERSHIP NOT DETERMINED.

LEGEND:

- 8'-0" FENCE HEIGHT
- 6'-0" FENCE HEIGHT



FENCE SECTION
SCALE: 1/2" = 1'-0"



PVC FENCE ELEVATION
SCALE: 1/2" = 1'-0"

NEW FENCE & PAVERS

5208 Driscoll Ct, Belle Isle, FL, 32812

EA DESIGN CONCEPTS
PHONE: 407.457.8915
OFFICE: 3511 W. UNIVERSITY BLVD., SUITE 101
ORLANDO, FL 32817

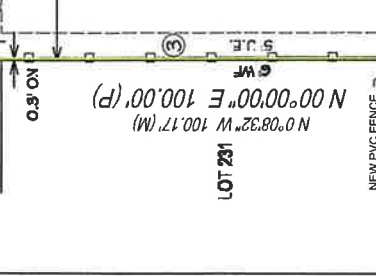
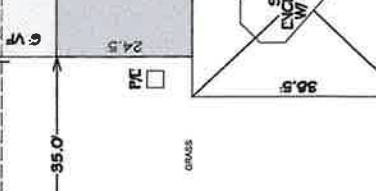
NO.	DATE	DESCRIPTION	BY	DATE

GENERAL NOTES:

1. STRUCTURES SUBJECT TO FIELD VERIFICATION AND CHANGES. ANY CHANGES THAT ARE DEEMED NECESSARY ARE TO BE REPORTED TO E.O.R. BEFORE MAKING SAID CHANGES.
2. DO NOT SCALE DRAWINGS. THE CONTRACTOR AND SUBCONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO WORK PERFORMED AND SHALL NOTIFY THE DESIGNER OR ENGINEER IF ANY DISCREPANCIES ARE FOUND.
3. THESE DRAWINGS ARE NOT INTENDED TO COVER ALL CONDITIONS. FIELD DECISIONS MAY NEED TO BE MADE BY E.O.R. OR D.O.R. IF THIS SITUATION ARISES. PLEASE CONTACT E.O.R. OR D.O.R. AT PHONE NUMBER IN TITLE BLOCK. CONTRACTOR SHALL ALLOW FOR MAJOR ADJUSTMENTS.
4. ANY CHANGES TO FLOOR PLAN OR ELEVATIONS MUST BE REPORTED TO E.O.R. OR D.O.R. FOR APPROVAL.
5. EA DESIGN CONCEPTS AND ASSOCIATES SHALL NOT BE HELD LIABLE FOR ANY FIELD CHANGES MADE THAT ARE NOT REPORTED TO THEM PRIOR TO MAKING SAID CHANGES.
6. ALL WORK DONE UNDER THIS CONTRACT SHALL BE IN COMPLIANCE WITH THE CITY EDITION (2021) FLORIDA BUILDING CODE (FBC), FOR THE AREA IN WHICH THE RESIDENCE IS TO BE BUILT, AND IN CONJUNCTION WITH ASCE 7-16 AND ALL LOCAL CODES OF ORDINANCES.
7. THE CONTRACTOR SHALL BRING ERRORS AND OMISSIONS WHICH MAY OCCUR IN CONTRACT DOCUMENTS TO THE ATTENTION OF THE DESIGNER IN WRITING AND WRITTEN INSTRUCTIONS SHALL BE OBTAINED BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ERRORS, OMISSIONS AND/OR DISCREPANCIES IN THE CONTRACT DOCUMENTS. CONTRACTOR SHALL NOTIFY THE DESIGNER FOR THE DESIGNER'S ONE CONSTRUCTION APPROVAL.
8. THE DESIGNER/ENGINEER SHALL NOT BE RESPONSIBLE FOR THE SAFETY AND CONSTRUCTION PROCEDURES, TECHNIQUES OR THE FAILURE OF THE BUILDER TO CARRY OUT THE WORK IN ACCORDANCE WITH THE DRAWINGS OR THE REQUIRED CODES.
9. DETAILS SHOWN ON THE DRAWINGS ARE TO BE CONSIDERED TYPICAL FOR ALL SIMILAR CONDITIONS.
10. THE CONTRACTOR SHALL MAKE NO STRUCTURAL CHANGES WITHOUT WRITTEN APPROVAL FROM THE DESIGNER/ENGINEER.
11. ALL STRUCTURAL MEMBERS ARE TO BE CUT FOR PIPES, DUCTS, ETC. UNLESS SPECIFICALLY DETAILLED.

FENCE NOTES:

1. ALL GATES SHALL BE WITH LATCHED WITHOUT LOCK
2. ALL FOUNDATIONS SHALL BE WITHIN THE BOUNDARIES OF THE PROPERTY. CONTRACTOR AND/OR TRADE SHALL COORDINATE AND VERIFY ALL DIMENSIONS AND CLEARANCES FROM THE PROPERTY LINES.
3. FENCE SHALL BE INSTALLED / ERECTED IN ACCORDANCE TO THE LATEST EDITION OF THE FBC 2023 AND ALL STATE AND LOCAL CODE REGULATIONS, AND ORDINANCES.
4. IT IS ASSUMED FROM SITE OBSERVATIONS THAT THE SITE IS FLAT AND GRADE IS AT APPROXIMATELY 11' AS SHOWN. CONTRACTOR SHALL VERIFY THIS INFORMATION THROUGH A TOPOGRAPHY SURVEY IS FURNISHED SHOWING INFORMATION TO THE CONTRARY.



DOC # 20240470226
08/13/2024 11:35 AM Page 1 of 2
Rec Fee: \$18.50
Deed Doc Tax: \$4,725.00
Mortgage Doc Tax: \$0.00
Intangible Tax: \$0.00
Phil Diamond, Comptroller
Orange County, FL
Ret To: SIMPLIFILE LC

Prepared by and Return To:
Brenda Chesher
Fidelity National Title of Florida, Inc.
7208 W. Sand Lake Rd, Suite 102
Orlando, FL 32819

Order No.: 29-24-0313

For Documentary Stamp Tax purposes the consideration is \$675,000.00

Doc Stamp: \$4,725.00

APN/Parcel ID(s): 20-23-30-1222-00020

WARRANTY DEED

THIS WARRANTY DEED dated August 9, 2024, by Beverly Jane Smithwick, a single woman, Individually and as Trustee under the provisions of an unrecorded trust agreement known as the Beverly Jane Smithwick Revocable Trust, dated the 21st day of May, 1991, as the same may from time to time be amended, hereinafter called the grantor, to Yarcel Romero Llanes and Claudia Mustafa, husband and wife, whose post office address is 5208 Driscoll Ct, Belle Isle, FL 32812, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Orange, State of Florida, to wit:

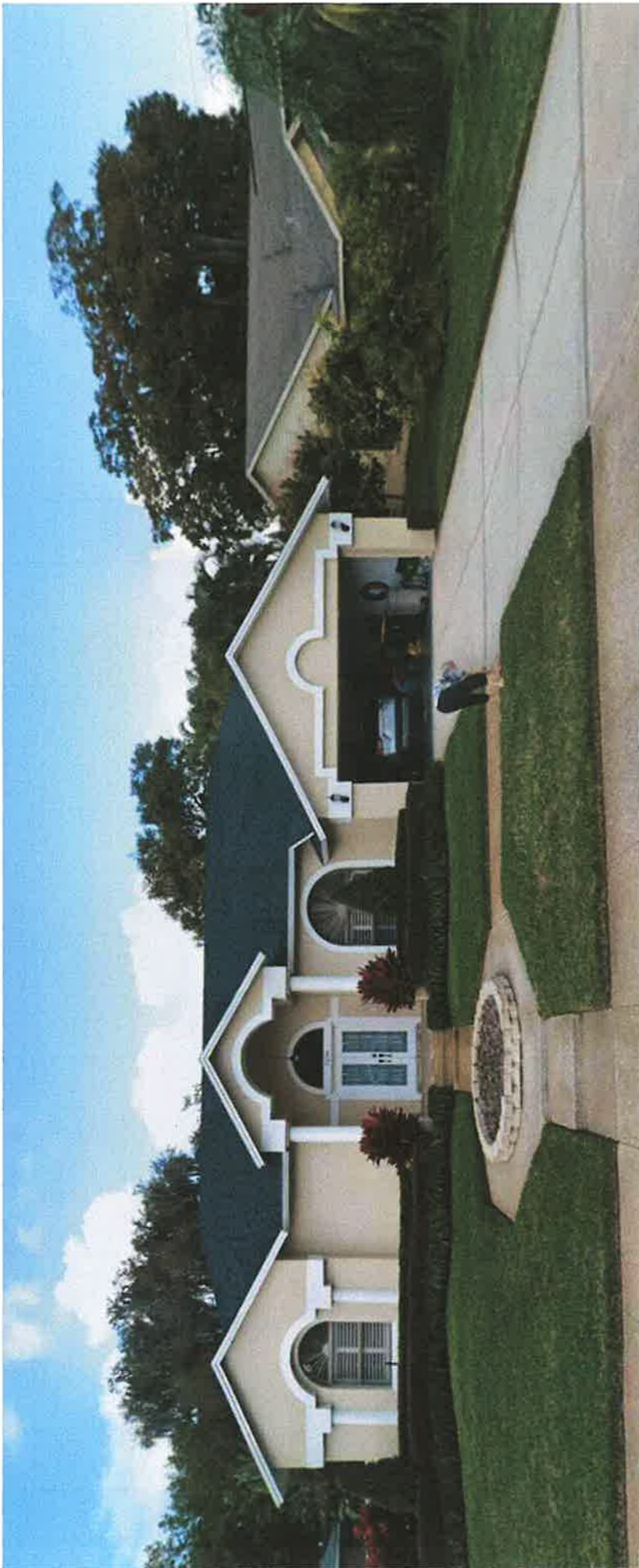
Lot 2, Castles at the Lake, according to the map or plat thereof, as recorded in Plat Book 22, Page(s) 27, of the Public Records of Orange County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2023.



b.



b.



MEMORANDUM

TO: Planning and Zoning Board

DATE: October 22, 2024

RE: Variance Application – 4010 Isle Vista Avenue

P&Z Case Number 2024-09-025: PURSUANT TO SECTION 50-73 (A), 54-75 (C) (9), AND 42-63, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW A TEN-FOOT REDUCTION OF THE FRONT YARD SETBACK FOR A NEW SINGLE-FAMILY RESIDENCE TO 20 FEET INSTEAD OF THE REQUIRED 30-FOOT FRONT YARD BUILDING SETBACK, SUBMITTED BY APPLICANT CASAGALAN LLC, LOCATED AT 4010 ISLE VISTA AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-0668-00-220.

Background:

1. On September 24, 2024, the applicant submitted a Special Exception Request and the required paperwork.
2. Letters to the abutting property owners were mailed within 300 feet of the subject property on October 11, 2024
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on October 12, 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 42-63 AND 50-73 (A), 54-75 (C) (9) **TO APPROVE** A TEN-FOOT REDUCTION OF THE FRONT YARD SETBACK FOR A NEW SINGLE-FAMILY RESIDENCE TO 20 FEET INSTEAD OF THE REQUIRED 30-FOOT FRONT YARD BUILDING SETBACK, SUBMITTED BY APPLICANT CASAGALAN LLC, LOCATED AT 4010 ISLE VISTA AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-0668-00-220.

SAMPLE MOTION TO DENY:

“I MOVE, PURSUANT TO BELLE ISLE CODE 42-63 AND 50-73 (A), 54-75 (C) (9), 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 TEN-FOOT REDUCTION OF THE FRONT YARD SETBACK FOR A NEW SINGLE-FAMILY RESIDENCE TO 20 FEET INSTEAD OF THE REQUIRED 30-FOOT FRONT YARD BUILDING SETBACK, SUBMITTED BY APPLICANT CASAGALAN LLC, LOCATED AT 4010 ISLE VISTA AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-0668-00-220.

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



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

October 11, 2024

Special Exception Request: 4010 Isle Vista Avenue

Application Request: PURSUANT TO SECTION 50-73 (A), 54-75 (C) (9), AND 42-63, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW A TEN-FOOT REDUCTION OF THE FRONT YARD SETBACK FOR A NEW SINGLE-FAMILY RESIDENCE TO 20 FEET INSTEAD OF THE REQUIRED 30-FOOT FRONT YARD BUILDING SETBACK, SUBMITTED BY APPLICANT CASAGALAN LLC, LOCATED AT 4010 ISLE VISTA AVENUE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-0668-00-220.

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

Staff Recommendation

Pursuant to section 54-75 for single-family dwelling districts, staff provides an evaluation based on the Special Exception criteria for the application below.

Section 50-73 (A) outlines the general building setbacks for all zoning districts within the city. An R-1-AA zoning district requires that the building setbacks be 30 feet from the front lot line, 35 feet from the rear lot line, and 7.5 feet from the side lot lines. The applicant seeks to construct a new single-family home within ten feet of the required 30-foot front yard setback.

Section 54-75 (C) (9) provides the following permissible special exception use for the R-1-AA zoning district:

A reduction of the front yard and rear yard setback requirements of the R-1-AA and R-1-AAA zoning district may be permitted as a special exception, provided that: (i) the reduction shall be available only in those subdivisions which are private, gated communities having private internal roads, such that the subdivision is not accessible to the general public; (ii) the reduction shall not exceed a total (combined front and rear yard setbacks) of ten feet with a maximum reduction to rear yard setback of five feet; (iii) the special exception shall be requested as part of the preliminary subdivision plan review and approval process; (iv) the proposed reduction shall not be injurious to the health, safety or welfare of the public or surrounding property owners, and shall recognize and protect the character of surrounding properties.

Section 42-63 lists the criteria for a special exception request. The applicant has submitted a written application, as required, and has included a narrative letter to detail their request and its conformity and minimal impact on the subdivision. The Board must determine that the requested special exception meets the applicable zoning requirements, ensure proper public notice, and that the public health, safety, comfort, order, convenience, prosperity, morals, or general welfare is promoted, protected, or improved.

Staff recommends approval for the special exception use to allow a 10-foot reduction of the front yard, per section 54-75 (C) (9), as the property is located within (1) a private, gated community that is not accessible to the general public; (2) the proposed setback reduction does not exceed a total of ten feet; (3) the city-approved preliminary subdivision plan for Belle Vista showcases properties within the front and/or rear building setbacks; and (4) the proposed reduction is not injurious to the health, safety or welfare of the public or surrounding property owners, and meets the character of surrounding properties.

Additional Notes

Please note that the Board may approve the proposed special exception 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.



LOCATION MAP

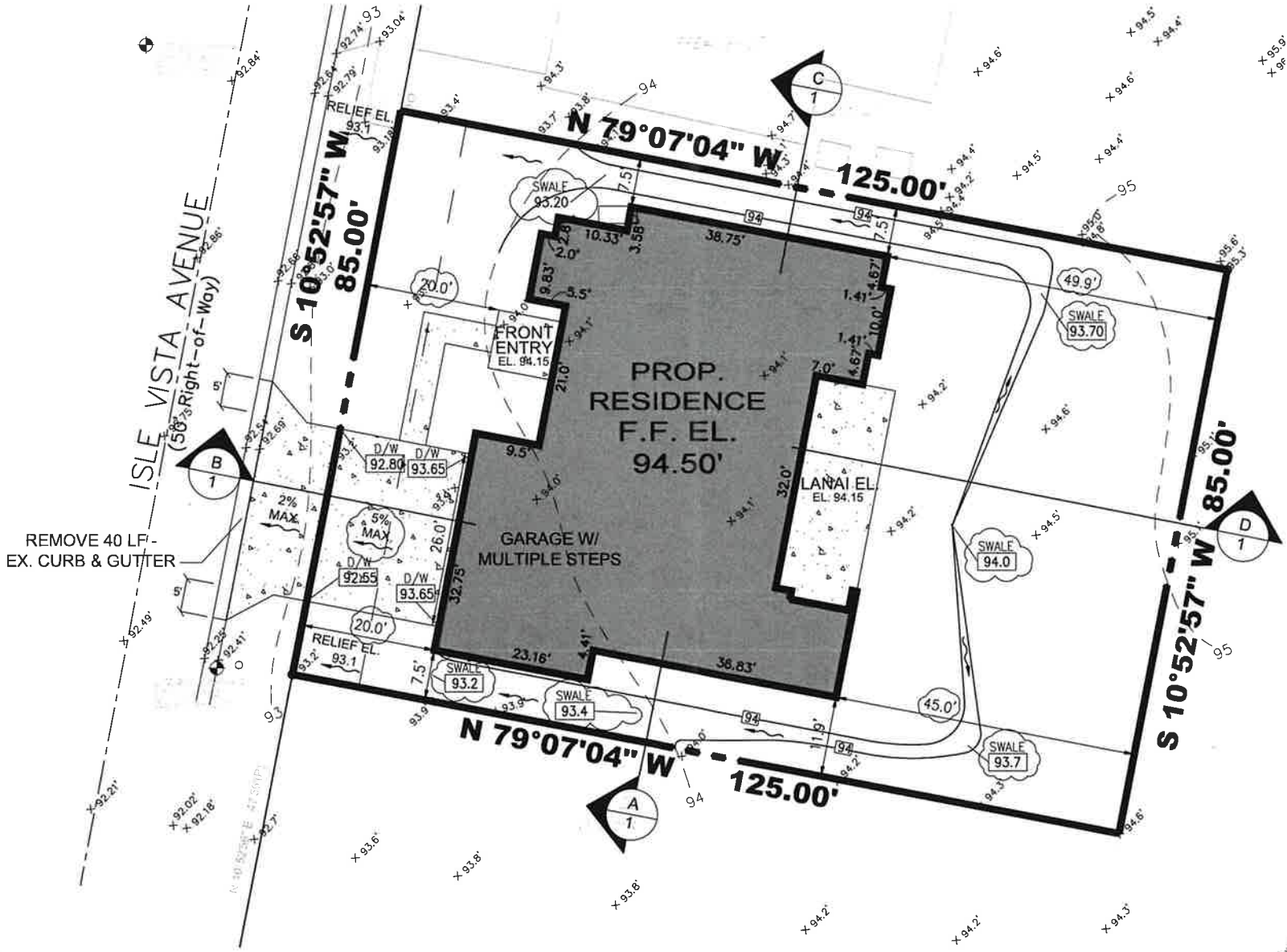
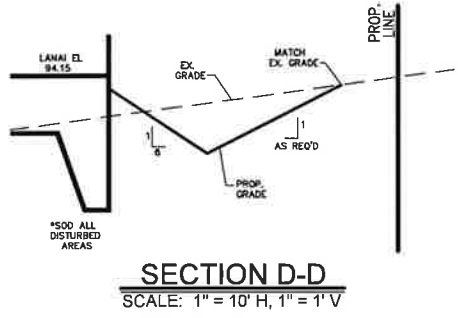
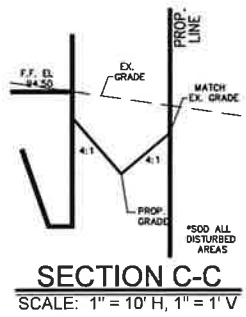
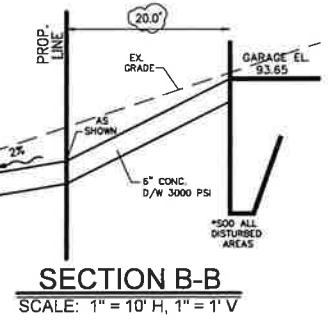
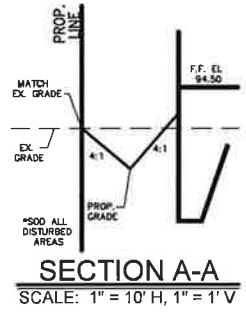
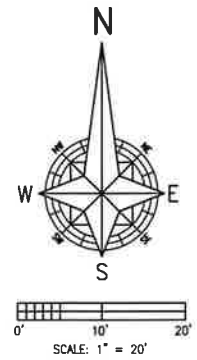


AERIAL MAP

BUILDING SETBACKS		
LOCATION	REQUIRED	PROVIDED
FRONT (ISLA VISTA AVENUE)	20 FEET (MIN.)	20.0' (MIN.)
REAR (EAST)	35 FEET	45.0' (MIN.)
SIDE (SOUTH)	7.5 FEET	7.5' (MIN.)
SIDE (NORTH)	7.5 FEET	7.5' (MIN.)

LEGEND:

- SWALE EL [94.50] PROPOSED ELEVATIONS
- PROPOSED BUILDING
- EXISTING ELEVATIONS
- DRAINAGE FLOW
- EX. TREE TO REMAIN
- EX. TREE TO BE REMOVED



PROJECT DATA:

ZONING:	R-1-AA
FUTURE LAND USE:	VACANT RESIDENTIAL
TOTAL AREA:	10,625 SF (0.24 AC)
FAR:	3,737 SF / 10,625 SF = .352
IMPERVIOUS AREA:	4,233 SF (39.8%)
FIRST FLOOR:	2,416 SF
(SECOND FLOOR):	1,015 SF (NIC)
GARAGE:	758 SF
LANAI:	457 SF
ENTRY:	80 SF
DRIVES/CONC.:	520 SF
PROP. OPEN AREA:	6,392 SF (60.2%)
MAX. BLDG. HEIGHT:	35 FEET

CIVIL ENGINEER:
AMERICAN CIVIL ENGINEERING CO.
THOMAS H. SKELTON, P.E.
207 N. MOSS ROAD, SUITE 211
WINTER SPRINGS, FLORIDA 32708
PHONE: (407) 327-7700 FAX: (407) 327-0627
EMAIL: tom@skelton456@gmail.com

OWNER / APPLICANT:
CASA GALAN, LLC
JOSEPH GALAN
5205 S. ORANGE AVE., SUITE 210
ORLANDO, FLORIDA 32809
PHONE: (407) 774-1862
EMAIL: Joe@CasaGalan.com

LAND SURVEYOR:
IRELAND & ASSOCIATES SURVEYING, INC.
800 CURRENCY CIRCLE STE 1020
LAKE MARY, FLORIDA 32746
PATRICK IRELAND, PSM
PHONE: (407) 678-3366
FAX: (407) 320-8185
EMAIL: www.irelandsurveying.com

PARCEL NUMBERS:
20-23-30-0668-00-220

PROJECT ADDRESS:
4010 ISLA VISTA AVENUE
BELLE ISLE, FLORIDA 32812

SOIL TYPE:
#26 ONA FINE SAND

LEGAL DESCRIPTION:
LOT 22, BELLE VISTA ON LAKE CONWAY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 12, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD ZONE:
PROPERTY SHOWN HEREON LIES IN FLOOD ZONE "X" AN AREA WHICH LIES OUTSIDE THE 100 YEAR FLOOD AREA ACCORDING TO F.I.R.M. MAP PANEL No. 12095C0430F, DATED SEPTEMBER 25, 2009.

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY THOMAS H. SKELTON, PE #42752 ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Digitally signed
by Thomas H Skelton
Date:
2024.09.27
16:41:46 -04'00'

<p>DATE: AUGUST 1, 2024</p> <p>SCALE: 1" = 10'</p> <p>DESIGNED: TMS</p> <p>DRAWN: TMS</p> <p>CHECKED BY: TMS</p> <p>JOB NO.: 24190</p> <p>TITLE: LAYOUT</p> <p>EMAIL: tom@skelton456@gmail.com</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION				<p>AMERICAN CIVIL ENGINEERING CO.</p> <p>207 N. MOSS ROAD, SUITE 211 WINTER SPRINGS, FLORIDA 32708 PHONE: (407) 327-7700 FAX: (407) 327-0627 CERTIFICATE OF AUTHORIZATION NO.: 0008781</p> 
NO.	DATE	DESCRIPTION						
<p>THIS</p> <p>CASAGALAN LLC</p> <p>4010 ISLA VISTA AVE</p> <p>BELLE ISLE, FLORIDA</p>		<p>STATE OF FLORIDA</p> <p>Professional Engineer Seal</p> <p>THOMAS H. SKELTON, P.E. REGISTRATION NO. 42752</p>						
<p>SHEET: C1</p>								



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 Joseph Galan	OWNER CasaGalan LLC
ADDRESS 5205 S ORANGE AVE. STE 210 ORLANDO, FL 32809	PROJECT ADDRESS 4010 Isle Vista Ave. Orlando, FL 32812
CONTACT NUMBER 407-744-1862	OWNER'S CONTACT NUMBER 407-744-1862
EMAIL admin@casagalan.com	OWNER'S EMAIL joe@casagalan.com
PARCEL ID# 20-23-30-0668-00-220	
LAND USE CLASSIFICATION Vacant Residential	ZONING DISTRICT R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON	
DETAILED VARIANCE REQUEST This application is to submit a special exception request to lower the front setbacks to 20' to match the surrounding houses.	
<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 type="checkbox"/> VARIANCE <input checked="" type="checkbox"/> SPECIAL EXCEPTION <input type="checkbox"/> OTHER	P&Z CASE NUMBER 2024-09-025 DATE OF HEARING

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.

- the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the Board's discretion, such variance may be revoked for violation of the condition and 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. 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	_____	_____	_____
	Date Paid	Check/Cash	Rec'd By



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



September 24, 2024

RE: 4010 Isle Vista Ave. Blvd. Belle Isle, FL 32812

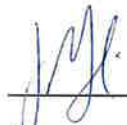
Permit #: 2024-08-008

Special Exceptions Request

To whom it may concern:

The building permit to build a single-family residence at the above-mentioned property was approved on September 10, 2024. After looking at the surrounding homes, we noticed that those properties had a 20' setback at the front of the property. To match the rest of the houses in the neighborhood we would like to submit a request for a special exception to match the 20' front setback.

Sincerely,



Joseph Galan

CGC1533365