



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, August 27, 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**
 - a. Approval of Special Called Meeting Minutes - July 30, 2024
4. **Public Hearings**
 - a. PUBLIC HEARING #2024-06-008 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (1), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030.
 - b. PUBLIC HEARING #2024-07-014 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (2), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A COVERED SCREEN ENCLOSURE IN THE FRONT YARD CONTRARY TO THE PERMITTABLE SCREEN ENCLOSURE LOCATIONS IN THE SIDE AND REAR YARDS, SUBMITTED BY APPLICANT JOSEPH ALLEN ON BEHALF OF PROPERTY OWNER JAMES LAPIN, LOCATED AT 1604 SWANN AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #25-23-29-5884-19-090.
 - c. PUBLIC HEARING #2024-06-048 - PURSUANT TO BELLE ISLE CODE SEC. 42-64, 50-102 (B) (5) (A), AND 50-102 (B) (5) (B), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON THE REQUESTED VARIANCES TO ALLOW TWO WALLS ALONG EACH SIDE OF THE UNDEVELOPED PROPERTY, AND ALLOW ONE WALL TO BE TEN FEET IN HEIGHT INSTEAD OF THE REQUIRED MAXIMUM 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.
5. **Other Business**
 - a. Review and Recommend Approval to Council Fences and Walls Ordinance
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

August 15, 2024

Variance Request: 1633 Wind Drift Road

Application Request: Public Hearing #2024-06-008 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (1), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030.

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

Background

The applicant seeks to build a detached metal garage in the rear yard.

Section 50-102 (A) (1) defines a garage as: *buildings which are detached from the principal building and are designed or used for the purpose of parking and/or storing motor vehicles, boats, and/or recreational vehicles, and related items, and are architecturally similar to the principal building and of like materials.*

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 literal enforcement of the code does not result in an unnecessary hardship nor are there any physical or topographic special conditions and circumstances peculiar to the land. The existing principal building accommodates an attached two-car garage.

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

According to the applicant’s Narrative Letter, the request to build a garage with architectural materials different than those of the principal building is a personal hardship. A personal hardship is not an allowable basis for granting a variance approval. A hardship results from the conditions of the property.

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

The variance request makes reasonable use of the land as the proposed structure meets all other zoning requirements for a detached garage.

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

The structure's purpose is to store the property owner's motor vehicles. The homeowner intends to utilize the existing driveway to access the detached garage. City Staff reviewed and found no other existing detached garages in the neighborhood. The proposed variance request is not in harmony with the purpose and intent of the land development code.

Based on the variance criteria of sections 42-64 (d), (e) and (g), Staff recommends that the Board not approve the requested variance to build a detached garage architecturally different from the principal building with unlike materials as there are no special conditions or circumstances of the land, the request is a self-created hardship, and does not meet the purpose and intent of the city 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: August 27, 2024 (Rescheduled from June 25, 2024)
RE: Variance Application – 1633 WIND DRIFT ROAD

PUBLIC HEARING #2024-06-008 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (1), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030.

Background:

- 1. On June 5, 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 June 14, 2024.
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on June 15, 2024.
4. The meeting on June 25, 2024, was canceled, and the hearing was rescheduled to August 27, 2024.
5. Letters to the abutting property owners were mailed within 300 feet of the subject property on August 13, 2024.
6. 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 (A) (1), TO APPROVE A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE CODE CODE 42-64 AND 50-102 (A) (1),, 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 DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT DAVID SMITH, LOCATED AT 1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-0604-01-030..

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.





a.



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	DAVID SMITH A1	OWNER	DAVID SMITH A1
PROJECT ADDRESS	1633 Wind Drift rd Belle Isle	PROJECT ADDRESS	SAME
CONTACT NUMBER	4074894185	OWNER'S CONTACT NUMBER	SAME
EMAIL	A1sept@aol.com	OWNER'S EMAIL	SAME
PARCEL ID#	30-23-30-0604-01-030		
LAND USE CLASSIFICATION	0100 S. ASIC	ZONING DISTRICT	R1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON	50-102 A1		
DETAILED VARIANCE REQUEST	SEE ATTACHED!!!		

- 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.

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
	2024-06-008
	6/25/24

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 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 property completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.

- Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing on the applicant's attorney shall appear before the board.
- It is determined that literal enforcement of the provisions of the zoning ordinance would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure of building, topography, including but not limited to dimensions, topography or soil conditions.
- 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 due to the procedure 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

a.

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	6/5/24	09157205453	
	Date Paid	Check/Cash	Rec'd By

Variance Request
David Smith
1633 Wind drift Rd. Belle Isle Fl 32809

I am hereby requesting a variance to replace and build a new larger detached building/garage. Because of the direction of my existing garage I am not able to build onto my home as it is. My existing garage does not face the street or driveway. I am requesting permission to build detached so I can place me antique collectible cars inside new garage.

Dave Smith
A1 Septic

NARRATIVE:

1633 Wind Drift rd. Belle Isle, 32809

Special condition:

Extending or building onto my existing garage is not possible because my existing garage does not face the driveway or street. When pulling into my driveway I must turn right at 90 degrees to enter my garage. This building meets other zoning requirement for a detached garage. I already have a metal building in same location, 12W x18L x10.6H and want to remove it and replace with bigger one 16W x 32L x 14H to park cars.. A metal building similar to what I what to add was just approved by the city of Belle Isle on Indian dr.

Special condition:

My home is in the original condition as built. The home is in same built as it was built in 1978 so no changes were made by owner to cause this hardship. Since the home was built so many years ago it makes it difficult to add on to existing. so detached is only option.

MINIMUM:

I have considered other options, but none will work for the following reasons. Adding on to existing garage would be cheaper but not possible because my existing garage is at a 90 degree angle to my driveway. Adding on would be nice but not feasible because cannot drive-up driveway then turn 90 degrees into existing garage if it was bigger.

PURPOSE & INTENT

The property to my west is a 2-story house so it will have no effects as far as, adequate light, air or any other reason. The property to my east is on the opposite end of the proposed addition, so should not have any effects. Building this addition will have no impact on traffic or pedestrian safety.

_____ **Date** _____

David Smith

2024.04.
30
22:59:15
-04'00'



Form Works Architecture
11111 WIND DRIFT ROAD, BELLE ISLE, FL 32809

A REB III ACCESSORY STRUCTURE for an EXISTING RESIDENCE
the SMITH RESIDENCE
1633 WIND DRIFT ROAD, BELLE ISLE, FL 32809

EXISTING SINGLE UNIT RESIDENCE

DATE
APR 23, 2024

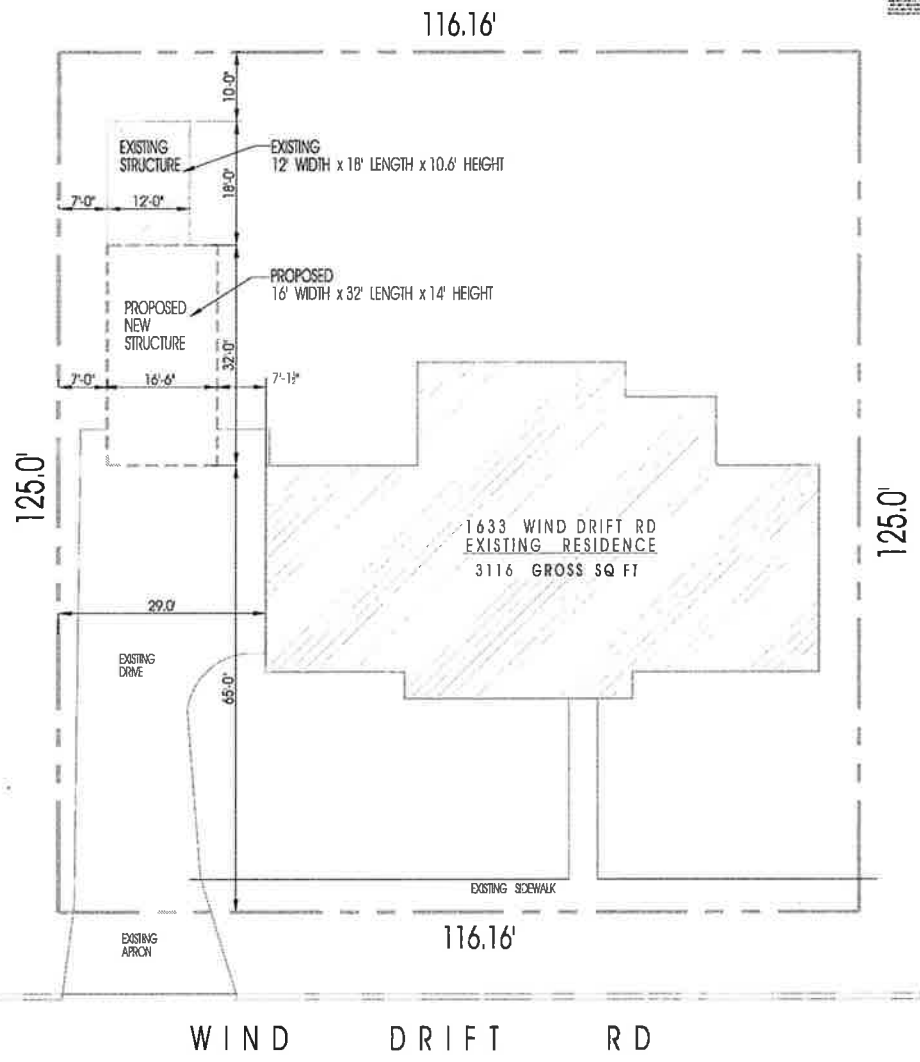
AI
SHEET



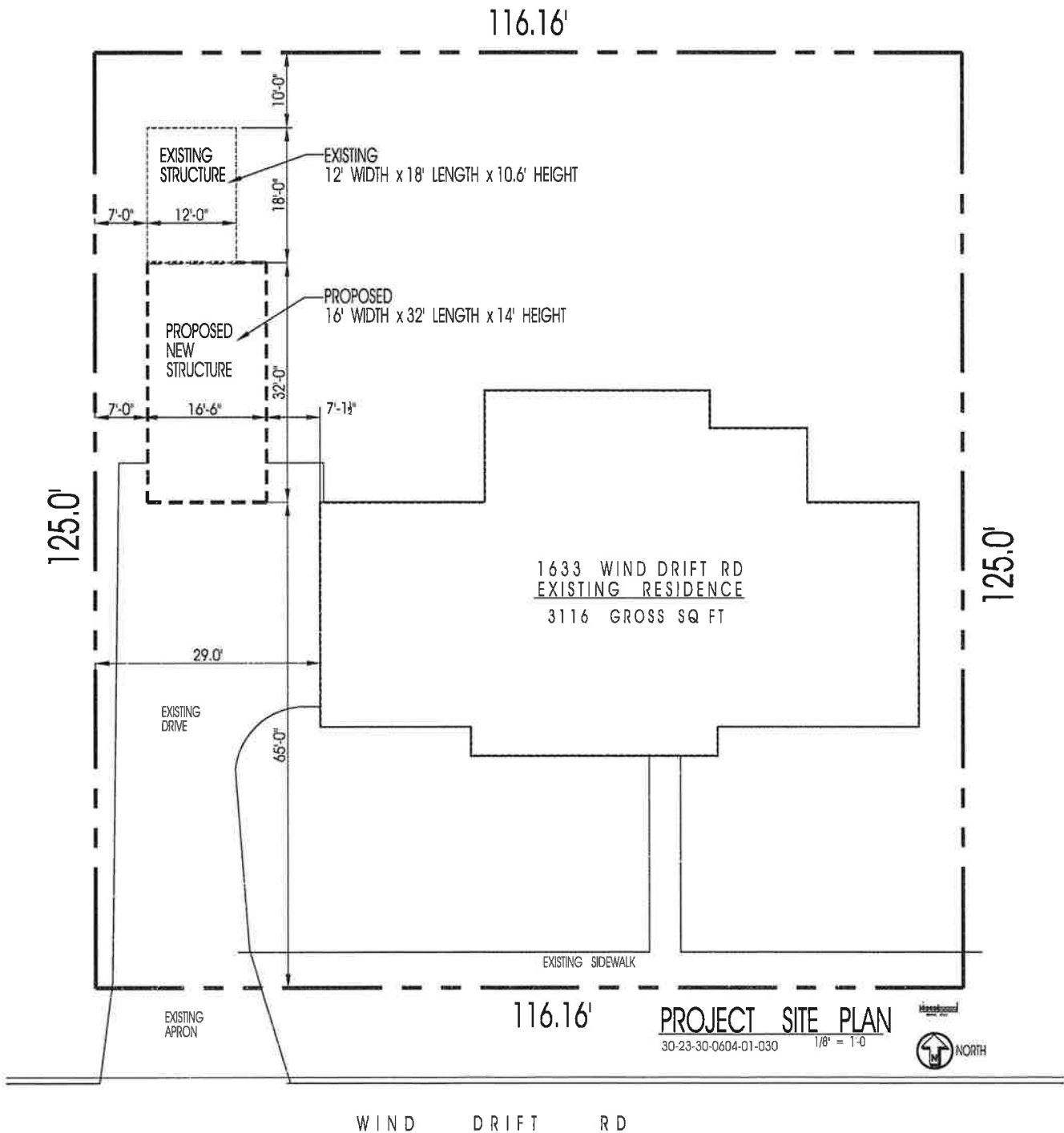
VICINITY MAP
1633 WIND DRIVE ROAD, BELLE ISLE, FL 32809

CODE INFORMATION

ADOPTED CODES	FLORIDA BUILDING CODE - 2023 8th Edition
BUILDING:	FLORIDA BUILDING CODE- 2023, EXISTING BUILDING FLORIDA BUILDING CODE- 2023, RESIDENTIAL
FIRE:	FLORIDA FIRE PREVENTION CODE - 2023
ELECTRICAL:	CHAPTER 27 - NFPA 70, NATIONAL ELECTRIC CODE, 2020 EDITION
ACCESSIBILITY:	2023 FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION
ENERGY:	FBC 2023 ENERGY EFFICIENCY FOR BLDG CONSTRUCTION



PROJECT SITE PLAN
30 23-30-D004-01-030 1/8" = 1'-0" NORTH



This Instrument Prepared By
and Should be Returned To:

Robert L. Harding, Esq.
Railey & Harding, P.A.
20 North Eola Drive
Orlando, Florida 32801

DOC# 20110261456 B: 10215 P: 1899
05/17/2011 12:49:48 PM Page 1 of 2
Rec Fee: \$18.50
Deed Doc Tax: \$805.00
DOR Admin Fee: \$0.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Martha D. Haynie, Comptroller
Orange County, FL
SA - Ret To: CAROL H CAMPBELL
SA

WARRANTY DEED

THIS WARRANTY DEED is made the 5th day of May, 2011, by **HATTIE SESSION, an unremarried widow**, whose address is 1633 Wind Drift Rd., Orlando, Florida 32809, as **GRANTOR**, to **DAVID F. SMITH and ELAINE DORIS SMITH, husband and wife**, whose address is 4940 Legacy Oaks Drive, Orlando, Florida 32839, as **GRANTEE**.

WITNESSETH,

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, all that certain land situate in Orange County, Florida, viz:

Lot 3, Block A, Belle Isle Pines, Unit II, according to the map or plat thereof, as recorded in Plat Book 7, Page 2, of the Public Records of Orange County, Florida.

PARCEL I.D. #: 30-23-30-0604-01030

PROPERTY ADDRESS: 1633 Wind Drift Rd., Orlando, FL 32809

The Property is the homestead of the Grantor.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same 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 for real property taxes for the year 2011 and thereafter, not yet due and payable and restrictions, easements, agreements and reservations of record but shall not act to reimpose same.

IN WITNESS WHEREOF, Grantor has set her hand and seal the day and year first above written.

Signed, sealed, and delivered
in the presence of:

GRANTOR:
*Hattie Session, by Thelma Brooks
as attorney in fact by Durable
power of attorney dated December 16, 2010*

Witness 1
Robert Harriott
Print Name

Hattie Session, by Thelma Brooks,
as attorney in fact by Durable Power
of Attorney dated December 16, 2010

Witness 2
Carol W. Campbell
Print Name

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 2nd day of May, 2011, by Thelma Brooks, as attorney in fact for Hattie Session, by Durable Power of Attorney dated December 16, 2010, who is personally known to me or who has produced FL DRIVERS LICENSE as identification.

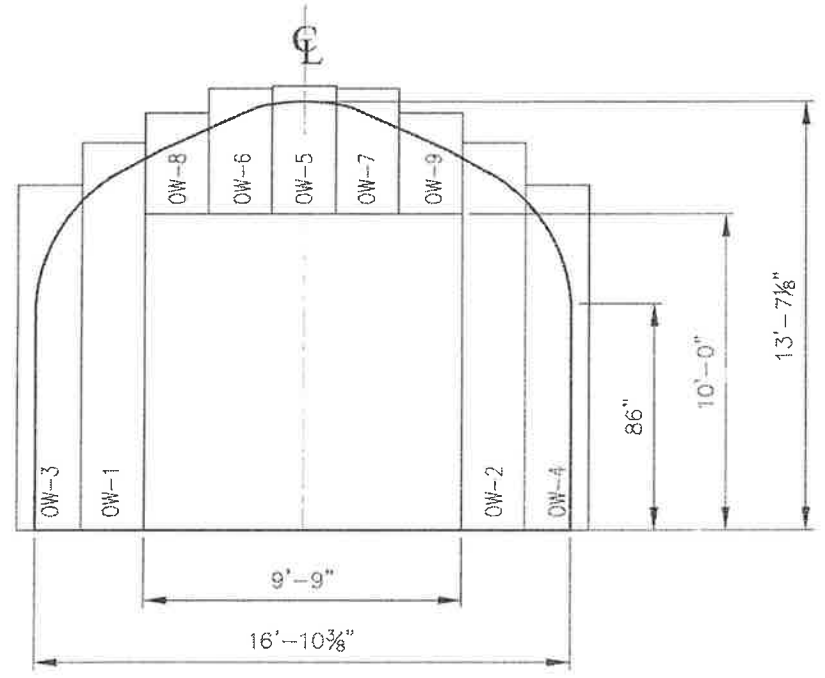
Carol Campbell
(Signature)

NOTARY PUBLIC - STATE OF FLORIDA
SERIAL NO.:



MODEL:	P16-14
CUST. NAME:	DAVE SMITH
ORDER NUMBER:	106016

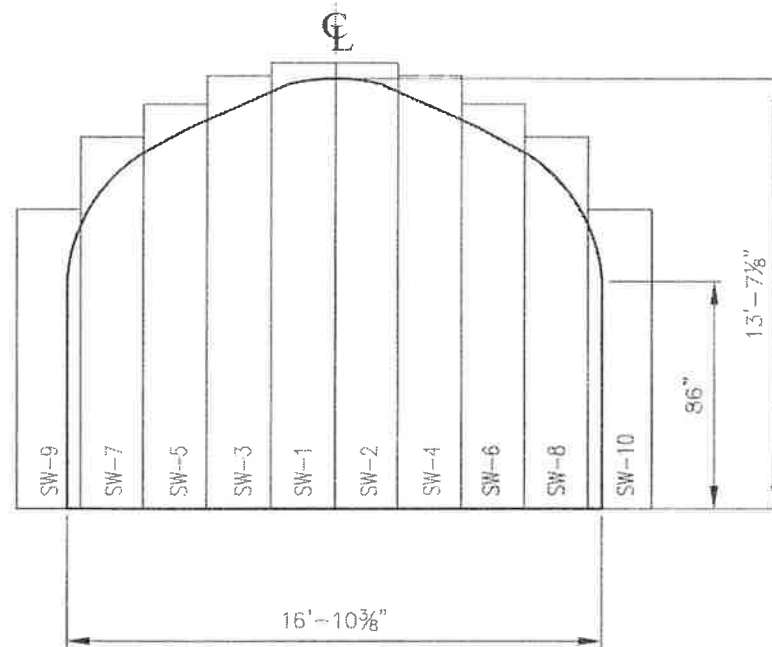
P16-14	
10'H X 10'W OPENING	
PANEL #	LENGTH
OW1-OW2	147
OW3-OW4	131
ABOVE OPENING PANELS	
OW-5	48
OW6-OW7	47
OW8-OW9	38



WALL DETAILS	
ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOOR	
SCALE: NTS	SHEET: 6 OF 6

MODEL: P16-14
CUST. NAME: DAVE SMITH
ORDER NUMBER: 106016

P16-14 SOLID	
PANEL #	LENGTH
SW1-SW2	168
SW3-SW4	164
SW5-SW6	153
SW7-SW8	141
SW9-SW10	116

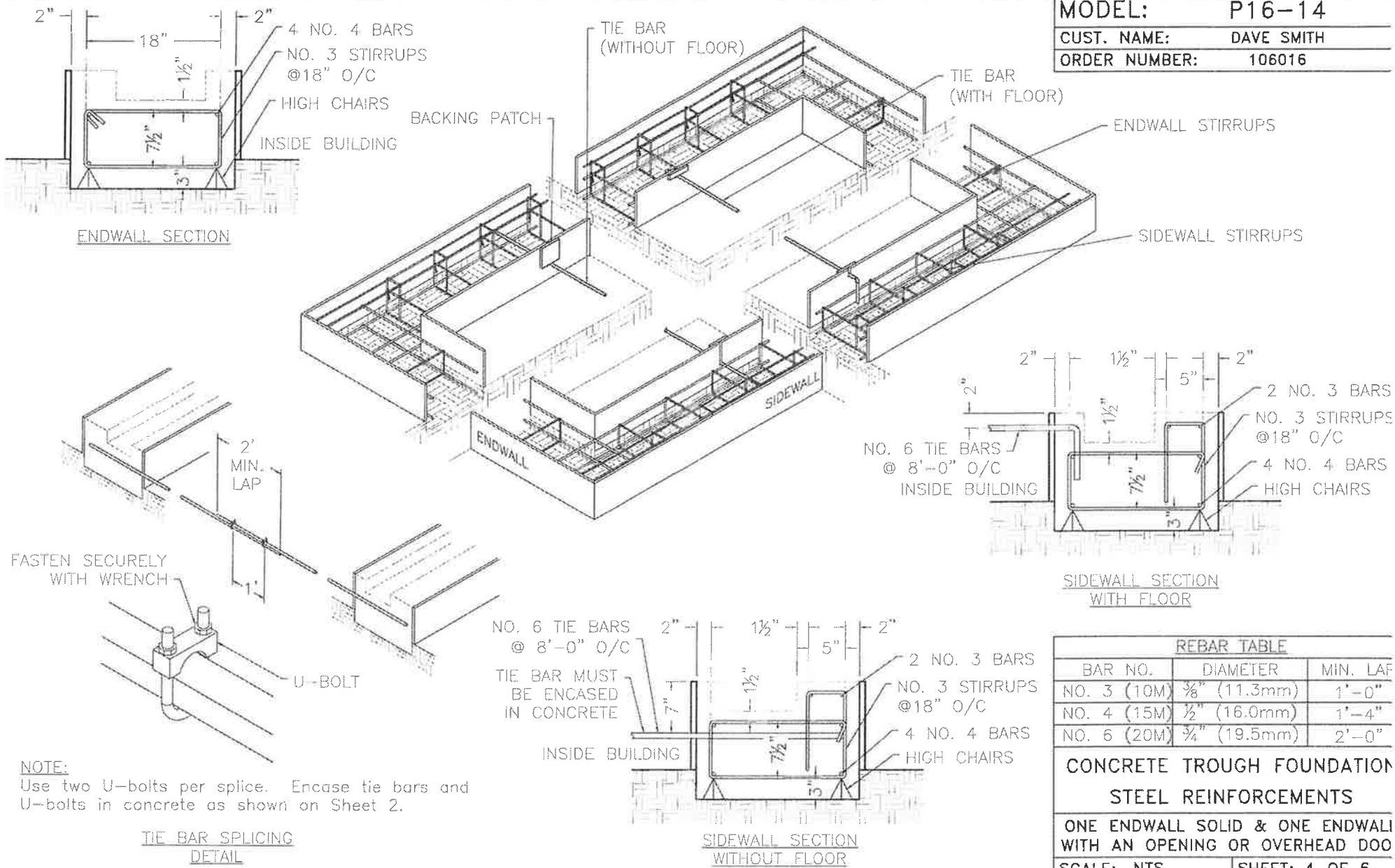


WALL DETAILS

ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOOR

SCALE: NTS | SHEET: 5 OF 6

MODEL:	P16-14
CUST. NAME:	DAVE SMITH
ORDER NUMBER:	106016



NOTE:
Use two U-bolts per splice. Encase tie bars and U-bolts in concrete as shown on Sheet 2.

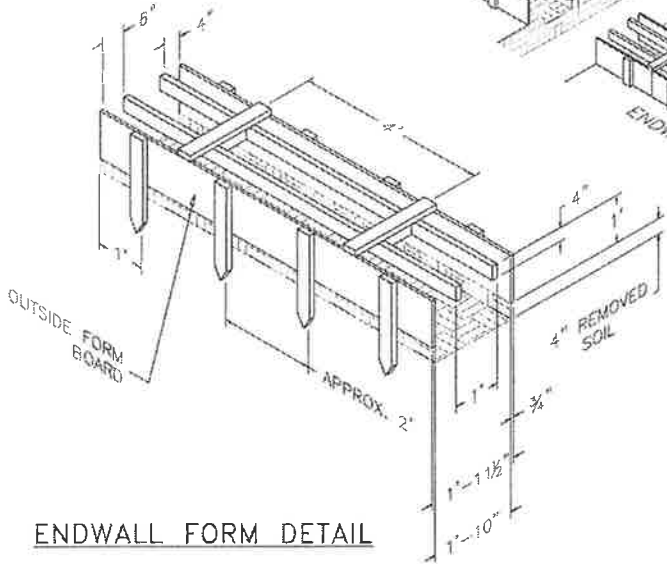
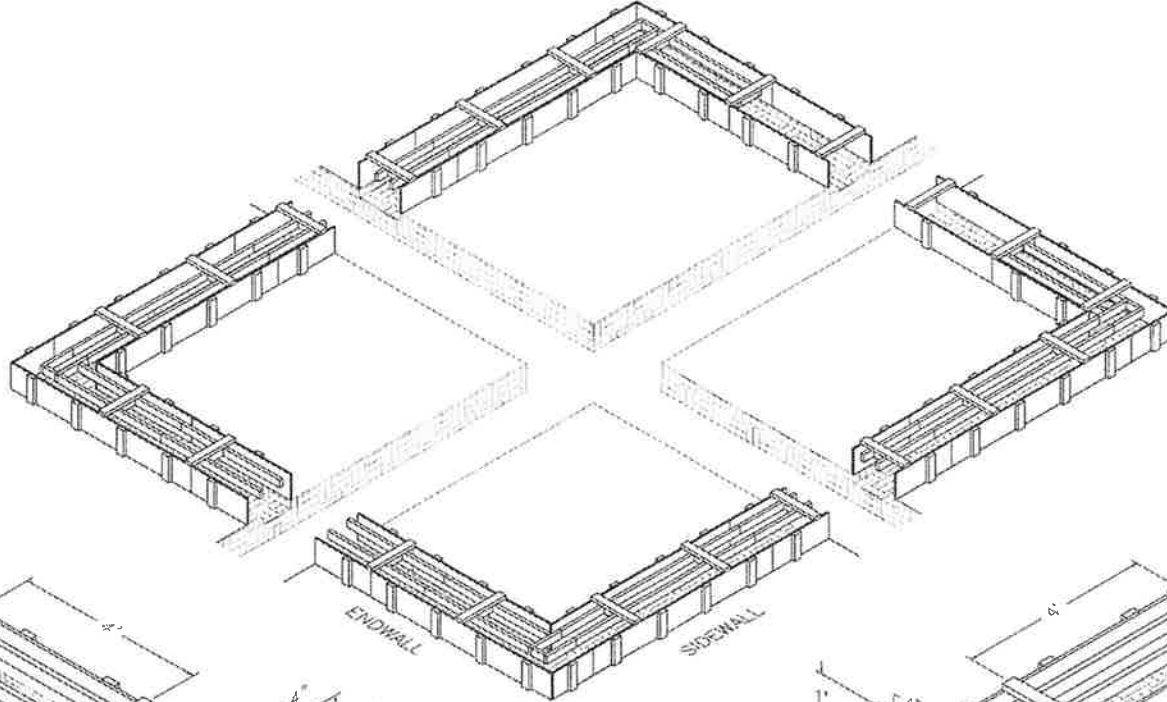
REBAR TABLE		
BAR NO.	DIAMETER	MIN. LAP
NO. 3 (10M)	3/8" (11.3mm)	1'-0"
NO. 4 (15M)	1/2" (16.0mm)	1'-4"
NO. 6 (20M)	5/8" (19.5mm)	2'-0"

**CONCRETE TROUGH FOUNDATION
STEEL REINFORCEMENTS**

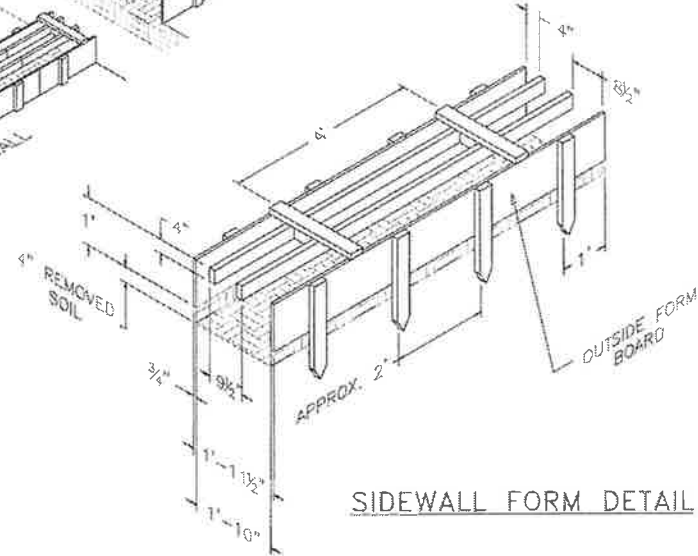
ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOOR

SCALE: NTS SHEET: 4 OF 6

MODEL:	P16-14
CUST. NAME:	DAVE SMITH
ORDER NUMBER:	106016



ENDWALL FORM DETAIL



SIDEWALL FORM DETAIL

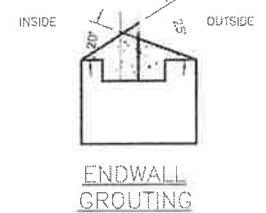
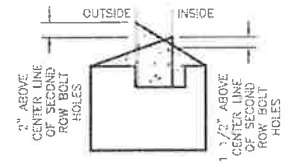
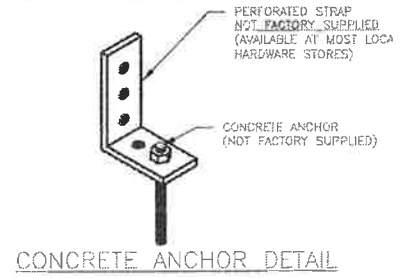
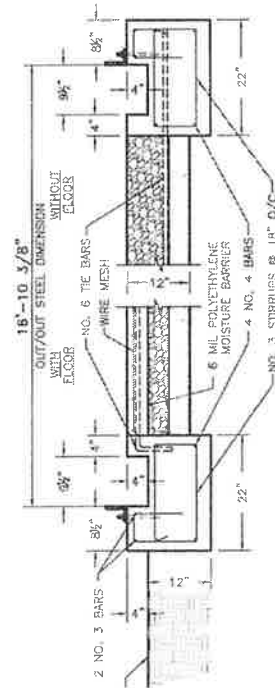
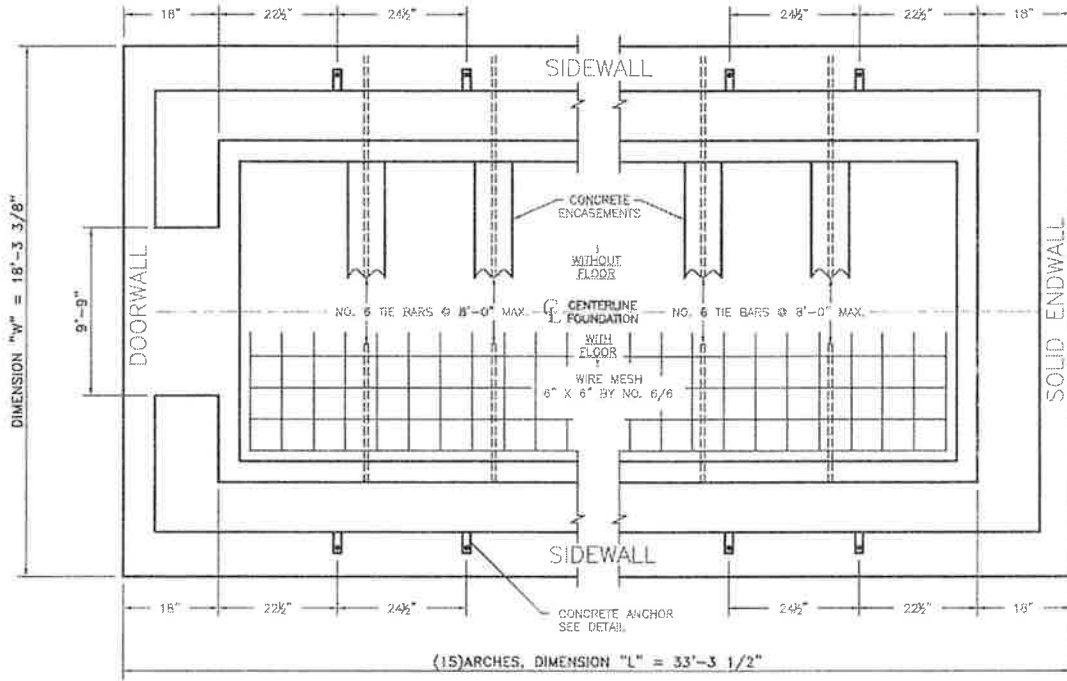
NOTES: REINFORCING STEEL NOT SHOWN. REFER TO SHEET #4

CONCRETE TROUGH FOUNDATION	
WOODEN FORM ARRANGEMENT	
ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOC	
SCALE: NTS	SHEET: 3 OF 6

ATTENTION:

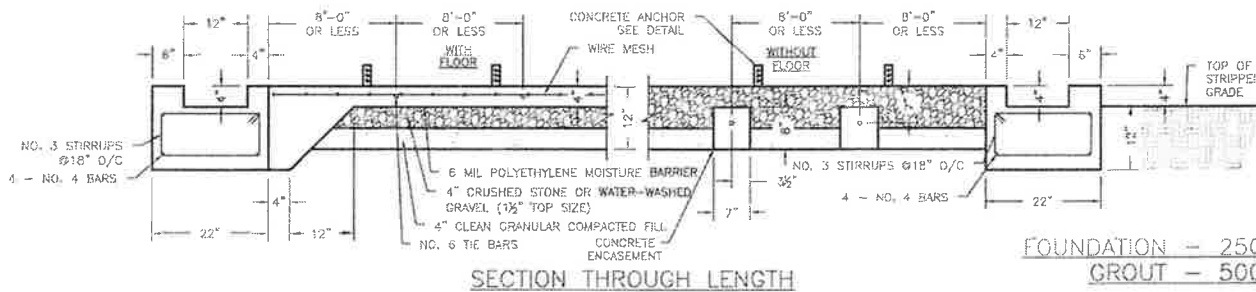
The foundation shown may not conform to your local by-laws and has no warranty as to its sufficiency for your particular area and or application. Retain a registered professional engineer to design a foundation which meets local by-laws and frost level depth requirements (if applicable), is adequate for soil conditions on the site, and conforms to the intended use of the building. The engineer should also be retained to inspect construction to ensure that the foundation is being built in conformity with his design. If the design engineer requires, retain a soils engineering specialist to report on soil conditions and soil compaction values.

MODEL:	P16-14
CUST. NAME:	DAVE SMITH
ORDER NUMBER:	106016



NOTE:

Inside grouting should be higher than outside grouting to prevent water seepage. Concrete grouting procedures must be in accordance with factory specifications to retain structural warranty.



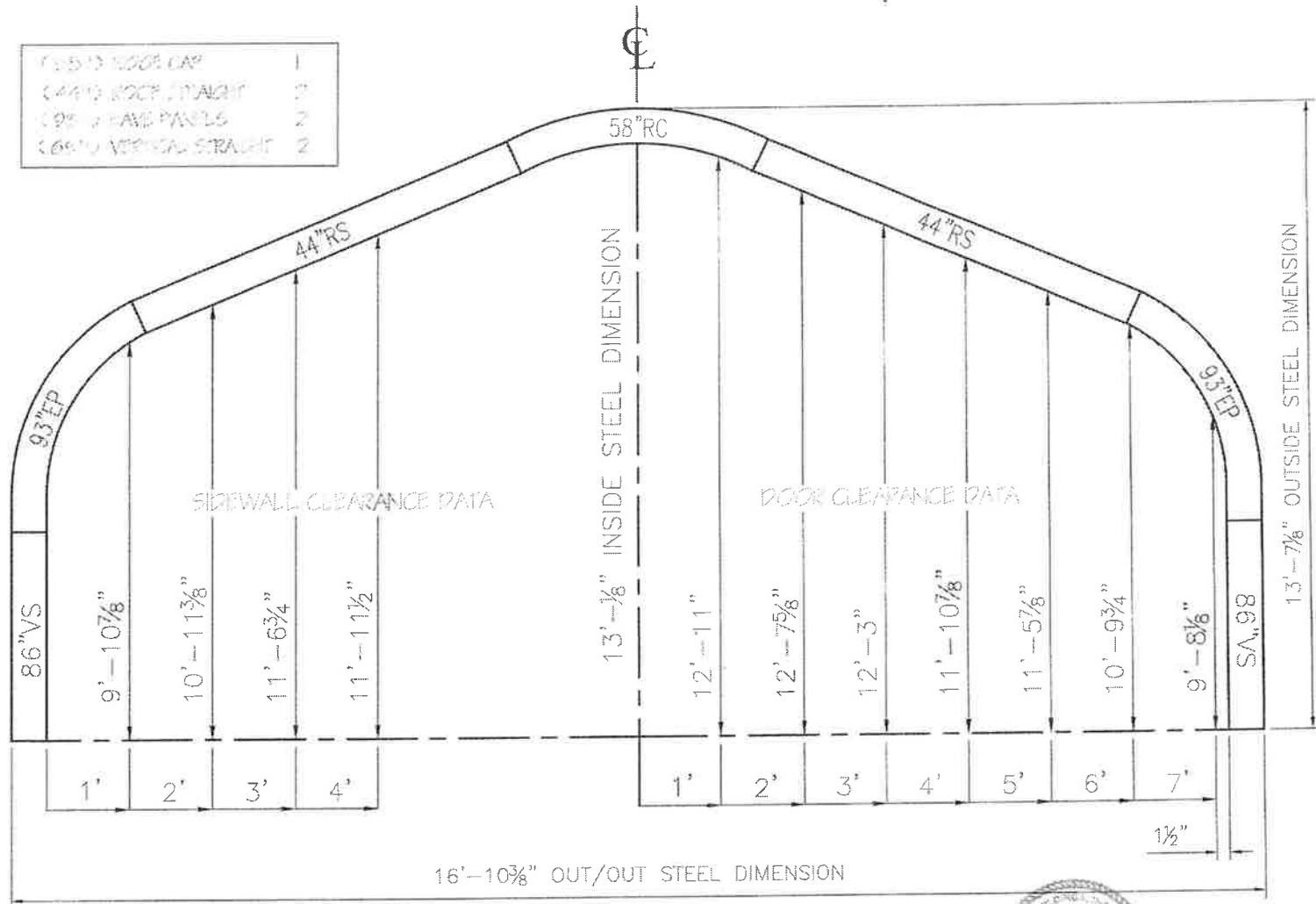
**CONCRETE TROUGH FOUNDATION
GENERAL ARRANGEMENT**

ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOOR

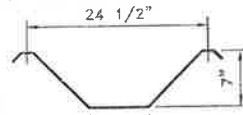
SCALE: NTS | **SHEET: 2 OF 6**

MODEL: P16-14
 CUST. NAME: DAVE SMITH
 ORDER NUMBER: 106016

1.5" X 13" ROOF CAP	1
4.4" X 9" ROOF STRAIGHT	2
1.9" X 7" RAFT PANELS	2
1.6" X 11" VERTICAL STRAIGHT	2



- GENERAL NOTES:**
- NO LOADS OTHER THAN THOSE GIVEN UNDER "DESIGN DATA" BELOW BE IMPOSED ON THE "STRUCTURE"
 - THE FOUNDATION ON THE DRAWING IS A SUGGESTED SOLUTION ONLY. CHANGES MAY BE NECESSARY DUE TO LOCAL BUILDING REGULATIONS.
 - THE FOUNDATION SHALL BE FOUNDED ON NATURAL UNDISTURBED SOIL CAPABLE OF SAFELY SUSTAINING 1500 PSF. AND AT LEAST 12 IN. BELOW FINISHED GRADE.
 - SLAB ON GRADE SHALL BE PLACED ON SOIL CAPABLE OF SUSTAINING 500 PSF. WITHOUT APPROPRIATE SETTLEMENT.
 - BUILDING MUST BE GROUTED INTO TROUGH, INSIDE AND OUT TO MAINTAIN STRUCTURAL INTEGRITY EXCEPT WHEN USING BASE PLATE CONNECTORS.
 - CROSS TIES MUST BE INCASED IN CONCRETE WHEN CONCRETE SLAB IS NOT USED



ARCH DATA:

DESIGN DATA:

STEEL GAGE: 22
 50 KSI MIN. YIELD
 GALVALUME SHEET STEEL
 LIVE LOAD: 75 PSF
 ULTIMATE WIND SPEED: 150 MPH

- MATERIALS:**
- CONCRETE STRENGTH AT 28 DAYS TO BE 2500 PSI
 - REINFORCING STEEL TO BE DEFORMED BARS, GRADE 60
 - ALL MATERIALS SHALL CONFORM TO THE APPROPRIATE ASTM SPECIFICATIONS.



ARCH PROFILE

ONE ENDWALL SOLID & ONE ENDWALL WITH AN OPENING OR OVERHEAD DOOR

SCALE: NTS SHEET: 1 OF 6



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

August 15, 2024

Variance Request: 1604 Swann Avenue

Application Request: Public Hearing #2024-07-014 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (2), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A COVERED SCREEN ENCLOSURE IN THE FRONT YARD CONTRARY TO THE PERMITTABLE SCREEN ENCLOSURE LOCATIONS IN THE SIDE AND REAR YARDS, SUBMITTED BY APPLICANT JOSEPH ALLEN ON BEHALF OF PROPERTY OWNER JAMES LAPIN, LOCATED AT 1604 SWANN AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #25-23-29-5884-19-090.

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

Background

The applicant seeks to maintain a permitted screen room in the front yard. In their building permit submission, the site plan shows that the screen enclosure would be located underneath the principal building’s covered entrance. After building the structure, City Staff found that the submitted site plan design does not accurately portray the new improvements. As a result, the applicant built a screen room extending into the front yard setback by six feet and one inch.

Under section 50-102 (A)(2), screen rooms are only permitted in the side or rear yards. The building permit was initially zoning-approved as the site plan depicted the enclosure was limited to the existing porch cover area with no encroachment into or changes to the front yard building setback, as shown on the original or first property survey featured in the variance packet. The second site plan was provided by the applicant to show the actual front yard setbacks with the new improvements as 18 feet and five inches from the front lot line.

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 literal enforcement of the code does not result in an unnecessary hardship nor are there any physical or topographic special conditions and circumstances peculiar to the land for a conforming screen room. The existing principal building provides space in the rear yard to accommodate a screen enclosure.

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

The request to build a screen room in the front yard is self-created, as the applicant provided inaccurate setback information with their original permit submission. Financial or personal hardship is not an allowable basis for granting a variance approval. An unnecessary hardship results from the special conditions and/or circumstances of the land and structures.

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

The variance request makes reasonable use of the land as the proposed structure meets all other zoning requirements for a screen enclosure.

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

City Staff reviewed properties within the neighborhood and found no other screen rooms in the front yard. The proposed variance request is not in harmony with the purpose and intent of the land development code.

Based on the variance criteria of sections 42-64 (d), (e), and (g), Staff recommends that the Board not approve the requested variance to allow a screen enclosure to be maintained in the front yard as there are no special conditions or circumstances of the land and that the request is a self-created hardship.

Additional Notes

Please note that the Board may approve the proposed variance application as 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: August 27, 2024

RE: Variance Application – 1604 Swann Avenue

PUBLIC HEARING #2024-07-014 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (2), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A COVERED SCREEN ENCLOSURE IN THE FRONT YARD CONTRARY TO THE PERMITTABLE SCREEN ENCLOSURE LOCATIONS IN THE SIDE AND REAR YARDS, SUBMITTED BY APPLICANT JOSEPH ALLEN ON BEHALF OF PROPERTY OWNER JAMES LAPIN, LOCATED AT 1604 SWANN AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #25-23-29-5884-19-090.

Background:

1. On July 12, 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 (A) (2), **TO APPROVE** A COVERED SCREEN ENCLOSURE IN THE FRONT YARD CONTRARY TO THE PERMITTABLE SCREEN ENCLOSURE LOCATIONS IN THE SIDE AND REAR YARDS, SUBMITTED BY APPLICANT JOSEPH ALLEN ON BEHALF OF PROPERTY OWNER JAMES LAPIN, LOCATED AT 1604 SWANN AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #25-23-29-5884-19-090.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE 42-64 AND 50-102 (A) (2),, 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 COVERED SCREEN ENCLOSURE IN THE FRONT YARD CONTRARY TO THE PERMITTABLE SCREEN ENCLOSURE LOCATIONS IN THE SIDE AND REAR YARDS, SUBMITTED BY APPLICANT JOSEPH ALLEN ON BEHALF OF PROPERTY OWNER JAMES LAPIN, LOCATED AT 1604 SWANN AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #25-23-29-5884-19-090.

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 Joseph Allen	OWNER Jimmy Lapin
ADDRESS 717 Conovia Ave.	PROJECT ADDRESS 11604 Swann Ave.
CONTACT NUMBER 407-924-6572	OWNER'S CONTACT NUMBER 407-288-0644
EMAIL joe@floridaprecisionscreen.com	OWNER'S EMAIL
PARCEL ID# 252329588419 090	
LAND USE CLASSIFICATION	ZONING DISTRICT
SECTION OF THE CODE VARIANCE REQUESTED ON	
<p>DETAILED VARIANCE REQUEST</p> <p>RE: Section 50-102 (A)(2) Respectfully, I relied on the permitting and engineering process to ensure my company and the homeowner were in compliance with this project. I received approval and permitting to move forward with the structure prior to installation.</p>	
<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 checked="" type="checkbox"/> SPECIAL EXCEPTION <input type="checkbox"/> OTHER	P&Z CASE NUMBER 2024-07-014 DATE OF HEARING 8/27/24

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 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.

- Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- 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.
- 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.
- 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


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

(2) *Violations of conditions.*

- a. In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of land, structures or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.



 APPLICANT'S SIGNATURE



 OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

7/12/24
 Date Paid

001014
 Check/Cash


 Rec'd By

Determination _____

Appealed to City Council: Yes No

Council Action: _____

Property Record - 25-23-29-5884-19-090

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

Property Summary as of 08/14/2024

Property Name

1604 Swann Ave

Names

Lapin James

Municipality

BI - Belle Isle

Property Use

0103 - Single Fam Class III

Mailing Address

2009 Nela Ave
Belle Isle, FL 32809-6100

Physical Address

1604 Swann Ave
Belle Isle, FL 32809

OR
Code
Code
For
Mobile
Phone



1604 SWANN AVE, BELLE ISLE, FL 32809 2/14/2023 11:59 AM



1604 SWANN AVE, ORLANDO, FL 32809 5/25/2017 11:21 AM



292325588419090 10/03/2006



292325588419090 10/03/2006



July 25, 2024

RE: 1604 Swann Avenue, Variance Case

To the City of Belle Isle’s Planning and Zoning Board,

This letter is to outline the reasoning for the request of a variance on the above referenced property.

The structure in question is a white covered screen room porch for the front of the house with an elite insulated roof secured by a footer around the perimeter of the existing paver deck, as noted on the City of Belle Isle Building /Land Use Permit Application approved on 5/15/2024. The structure was properly permitted and engineered however there was an oversight with the original survey which has delayed completion of the project and we must request a variance from the City of Belle Isle in hopes of allowing this structure to be completed and remain for the property owners to enjoy.

Back in March the permit application to the City of Belle Isle was submitted for this project, which included adding both footer and screen room. Please see attached documentation which identifies the specific measurements of the structure and how it would be designed and built. The permit was approved and sent to Universal Engineering. I secured an engineering packet of my plans submitted by the engineering company which was sent back to the City of Belle Isle for final approval. I was given permission to build this structure and began at the end of May. We started with the footer, it was poured, inspected and approved. Then the screen room was installed nearly to completion. I was then contacted by the City and told that the structure did not meet the set back requirements and the entire structure would need to be torn down.

The request for this variance is for multiple reasons including financial hardship and also for the reason that the screen room was specifically and specially designed to provide a covered outdoor sitting area for the homeowner James Lapin’s parents, Mr. and Mrs. Sacco. The design of this structure was not created to purposely be noncompliant with Land Development codes. It was my full understanding as the project continued to be approved, permitted, engineered and passed inspections that I was in accordance and compliance with the City of Belle Isles Planning and Zoning regulations.



Enforcement of the provisions on the zoning ordinance would cause unnecessary hardship including removal of the screen room structure, removing the entire perimeter of 8”x8” concrete footer with rebar and replacing fascia board. The special conditions and circumstances in regards to this structure were not self created as I submitted very specific plans including measurements, property descriptions, example photographs of what the structure will look like and again received a passing inspection on the footer that was required to be able to secure the screen enclosure. In regards to Minimum Possible Variance Section 42-64(1)f , the City of Belle offered another way to provide a screen enclosed room for the homeowner, however that would not meet the needs of the homeowner occupants as the enclosure needs to accommodate wheelchair access and dimensions. Additionally redesigning would require the homeowner to remove and redesign a pre existing paver deck that was installed with the intentions of building the screen room around the deck. (An additional financial hardship)

Approval of this variance will not be injurious to the neighborhood or detrimental to public welfare. In fact, on several occasions while I was working on the property multiple neighbors approached me commenting on how fantastic the structure looked, asked for business cards and suggested interest in discussing similar screen enclosure structures for their homes in the neighborhood. So it is my firm belief that the neighborhood and public would not encourage removal of this structure.

I am respectfully requesting that your review of the documentation submitted on this structure may be approved for the variance and the structure may stand.

Sincerely,

Joseph Allen
Owner, Florida Precision Screens, LLC
Joe@floridaprecisionscreen.com
407-924-6572

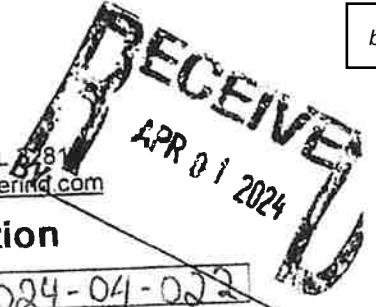
2024-07-0

b.



City of Belle Isle

Universal Engineering Sciences 3532 Maggie Blvd., Orlando, FL 32811
Tel 407-581-8161 * Fax 407-581-0313 * www.universaleengineering.com



Building / Land Use Permit Application

PERMIT # 2024-04-022

DATE: 3/8/24

PROJECT ADDRESS 1604 Swann Avenue 1604 Swann Ave, Belle Isle, FL 32809 32812

PROPERTY OWNER James L. Lapin James Lapin PHONE 407/288/0644 VALUE OF WORK (labor & material) \$ 5,000
15 = 5,400

PLEASE LIST THE NATURE OF YOUR PROPOSED IMPROVEMENTS

Install insulated roof with screen walls connected to concrete footer and house fascia

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: 25-23-29-5894-19-090
To obtain this information, please visit <http://www.ocpafi.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.

PLANNING & ZONING APPROVAL: DATE 5/15/24 BY Roger [Signature]

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 100 #219 1981 DATE 5-20-24

VERIFIED CONTRACTOR'S LICENSE & INSURANCE ARE ON FILE AD DATE 5/20/24

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.

Page 1 of 2 $18 \times 12' = 216 SF \times 25 = 5400$
15TK
525

50
25
75 = 2
37.50
112.50

Wind Exposure Category: B C D

REVIEW	Date: Sent	RCD	Y	N	
SPRINKLERS REQ'D			Y	N	
If Required - SUBMIT COPY OF PLANS FOR FIRE					
ZONING			<input checked="" type="radio"/>	N	\$175.
CERT OF OCC			<input checked="" type="radio"/>	N	\$
TRAFFIC			Y	N	\$
SCHOOL			Y	N	\$
FIRE			Y	N	\$
SWIMMING POOL			Y	N	\$
SCREEN ENCLOSURE			Y	N	\$112.50
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	\$

1% BCAIB FEE 2 min
1.5% DCA FEE 2 min
TOTAL 291.50

OTHER PERMITS REQUIRED:

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

CITY OF BELLE ISLE

ALL CORNERS

N90°00'00"E 100.00'

2024.04.022 b.

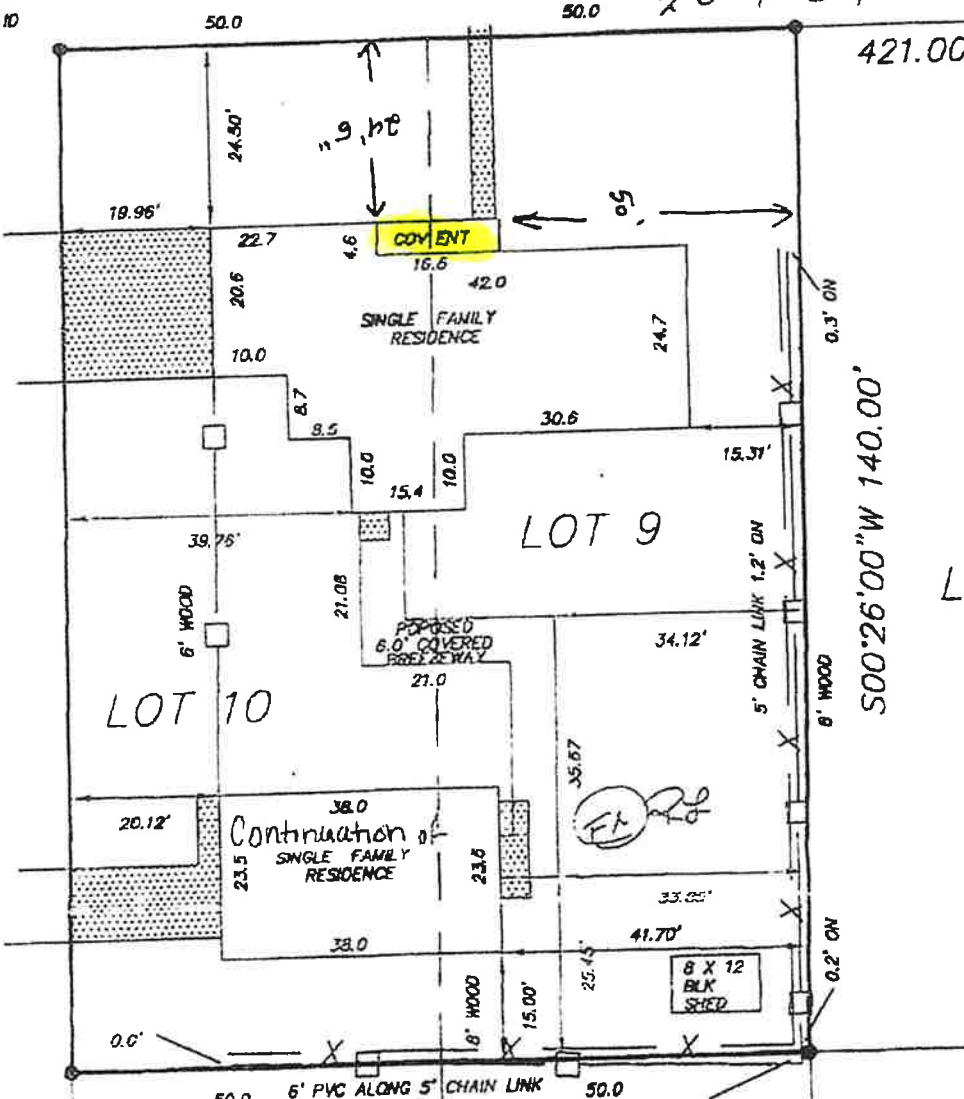
GONDOLA AVENUE

N00°26'00"E 140.00'

421.00' E

S00°26'00"W 140.00'

LOT



1" = 30' PER PLAT

ZONING APPROVED

DATE 5/15/24 BY *Roger Lopez* CITY OF BELLE ISLE

N90°00'00"W 100.00'

LOT 11

LOT 12

LOT

BLOCK 'S'

RECEIVED APR 10 2024

74 SWANN AVENUE

NOTES

- | | | | | |
|---|---|--|--|--|
| <ul style="list-style-type: none"> MO CONCRETE MONUMENT MC PROPERTY CORNER PC PROPERTY CORNER MCN MONUMENT CONTROL POINT A CONDITIONER | <ul style="list-style-type: none"> E ENT. ENCL. ENCL. ESMT. EASEMENT FND. FOUND I.P. IRON PIPE | <ul style="list-style-type: none"> EAST ENTRANCE ENCLOSURE EASEMENT FOUND IRON PIPE | <ul style="list-style-type: none"> R RADIUS / RADIAL S SOUTH SAN. SANITARY SCR. SCREEN S.W. SIDEWALK T TANGENT | <ul style="list-style-type: none"> 1. BEARINGS ARE BASED ON RECORD PLAT. 2. THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT. 3. ROOF OVERHANGS AND FOOTERS HAVE NOT BEEN LOCATED 4. NO IMPROVEMENTS OR UNDERGROUND UTILITIES HAVE BEEN EXCEPT AS SHOWN. 5. THIS SURVEY IS NOT VALID WITHOUT IT BEING SEALED BY THE SURVEYOR. |
|---|---|--|--|--|



Estimate b.

Date	Estimate #
2/13/2024	1024

Customer
Jimmy Lapin 1604 Swan Avenue Belle Isle, FL 32809

Project

Description	Amount
Build white covered screen porch for front of the house. Pour 8" x 8" footer around perimeter of pavers before final measure.	
1. Submit for Belle Isle approval, then engineering and permitting	500.00
2. Dig out and set rebar, then pour 36 linear feet of concrete footer	676.00
3. Measure, cut and fabricate screen porch (245 sq.ft.)	1,592.00
4. Install 136 sq.ft of 3" composite roof	2,820.00
5. Install E-gutter and fascia with 1 downspout	250.00
6. Install 36 linear feet of white woodgrain kick plate	252.00
7. Install (1) door with 16" white woodgrain kick plate	175.00
Signature _____	
Total	\$6,265.00

Florida Precision Screens, LLC
407-924-6572
Joe@FloridaPrecisionScreen.com



* Ultimate Wind Speed (mph): _____ Exposed Category: C Risk Category: 1

Screen Room Fill In Sun Room (Window Type Vinyl or Glass)
Roof Type: Insulated 3" Pan Roof _____"
Roof Connecting to: Gutter Fascia Block Wall Conventional Wall 4th Wall Riser
Front Wall: Uprights 2 x 4 Top Plate 3 x 2 Bottom Plate 1 x 2 Chair Rail 2 x 2
Side Wall: Uprights 2 x 4 Top Plate 2 x 2 Bottom Plate 1 x 2 Chair Rail 2 x 2
Roof Ridge Beam (gable style): Beams ___ X ___ Kick Plate 16"

Pool Screen/Cage :

Roof Type: Dome Gable Mansard/Hip Flat/Slope
Roof Connecting to: Gutter Fascia Block Wall Conventional Wall Riser
Roof: Beams ___ X ___ Front Wall: Uprights ___ X ___ Purlin ___ X ___ Chair Rail ___ X ___
Side Wall: Uprights ___ X ___ Chair Rail ___ X ___
Expansion View: Beams ___ X ___ Post ___ X ___ Kick Plate ___

Car Port Patio Cover or Pergola (pergola material Aluminum Wood)
Roof Type: Insulated _____" Pan Roof _____" None (Pergola Only)
Roof Connecting to: Gutter Fascia Block Wall Conventional Wall 4th Wall
Beams ___ X ___ Post ___ X ___ Pergola Purlins ___ X ___
Roof Ridge Beam (gable style): Beams ___ X ___

Swimming Pool Gunite Fiberglass Overall Deck SQ FT _____

Summer Kitchen

Concrete:

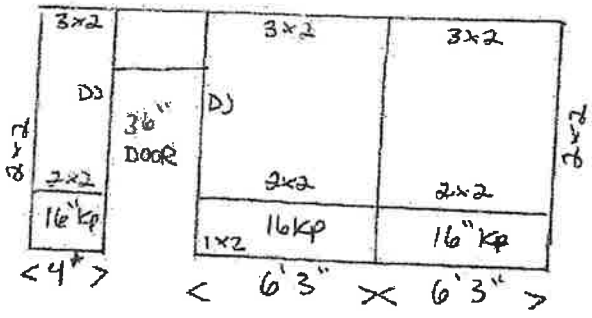
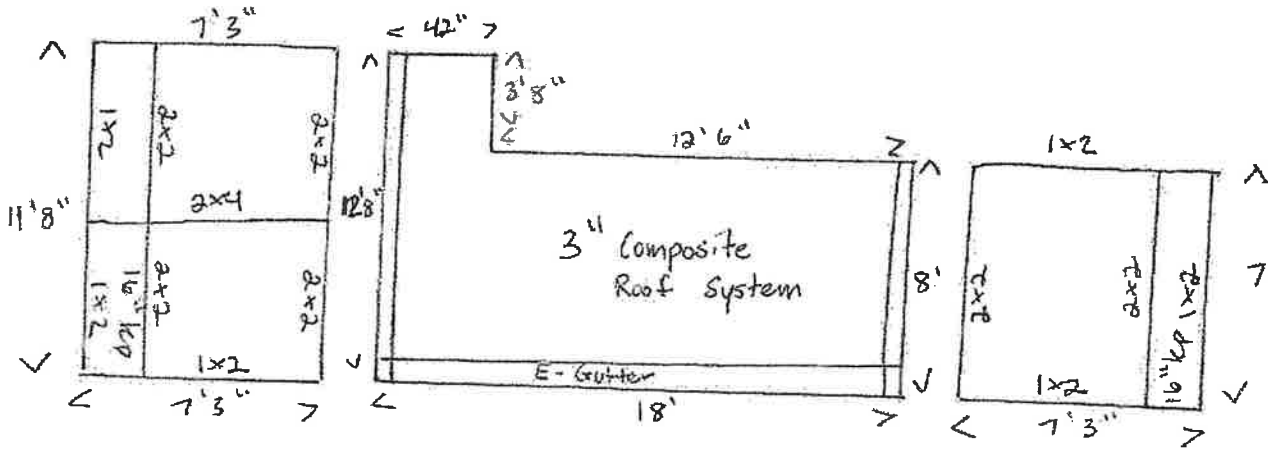
Existing New 4" w/6" Thickened Edge Pier ___ X ___ X ___
 Ribbon Footer 8 X 8 With 2 # 5 Rebar
 Pavers with Footer ___ X ___ With ___ # ___ Rebar

Other: Ribbon footer around perimeter of pavers, 8x8 w/2 #5

Note: In the event that there is a conflict with the design plans and general notes and design standard, the contractor shall utilize the more stringent dimensions and member sizes prior to ordering materials, fabrication and/or construction between the plans and the general notes and design standard.

Engineer: Michael Thompson, MSc, P.E. (PE#47509)
4401 Vineland Road Suite A6, Orlando, FL 32811
(CA#30930)-Ph 407-734-1470/Fax 407-734-1790

All White

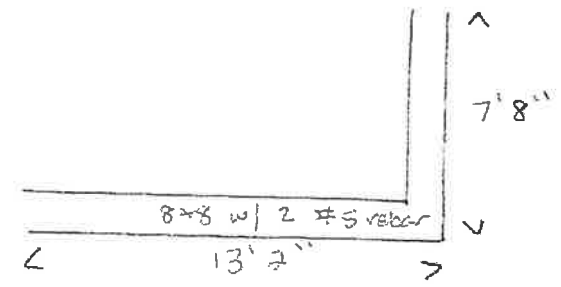
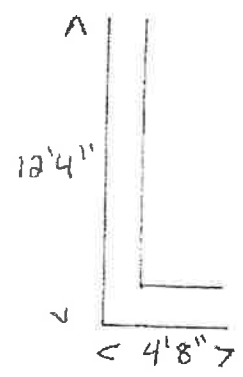


Jimmy Lapin
 1604 Swan Ave.
 Belle Isle, FL 32809

Reviewed for Code
 Compliance
 Universal Engineering
 Sciences

Footing Detail

8x8 ribbon footing w/ 2 #5 rebar
Around perimeter of existing pavers

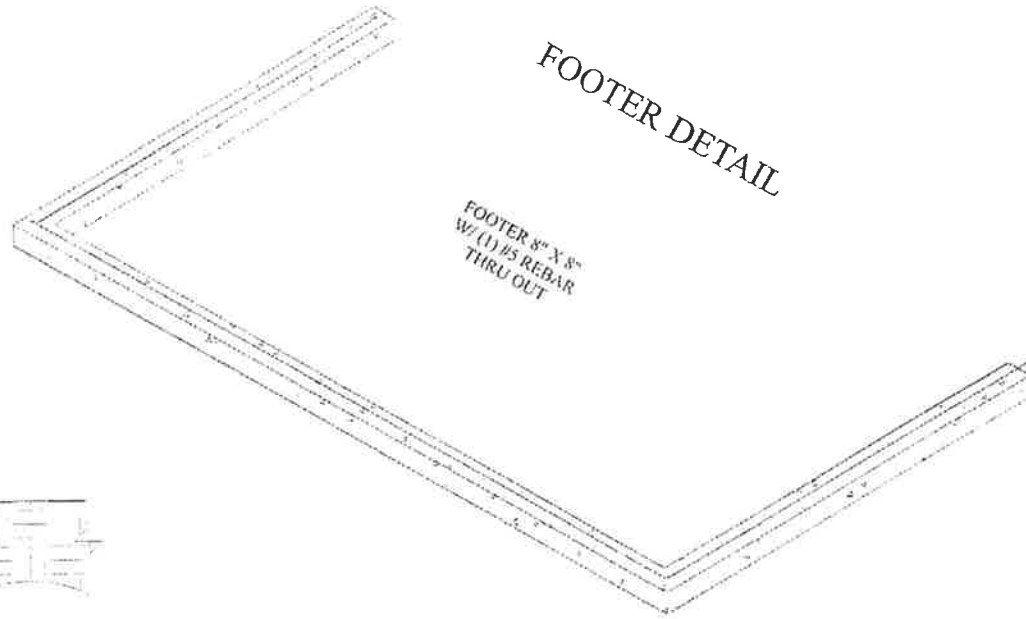


In the event of a conflict in member sizes shown on the plans and the general notes, the contractor must utilize the more stringent member size requirements.
Engineer: Michael Thompson, P.E. 47509/CA30930

Review for Code
Compliance
University of California
Engineering
Sciences

A handwritten signature in black ink, appearing to read "M. Thompson".

ALUMINUM SCREEN DESIGN



FOOTER 8" X 8"
W/ (1) #5 REBAR
THRU OUT



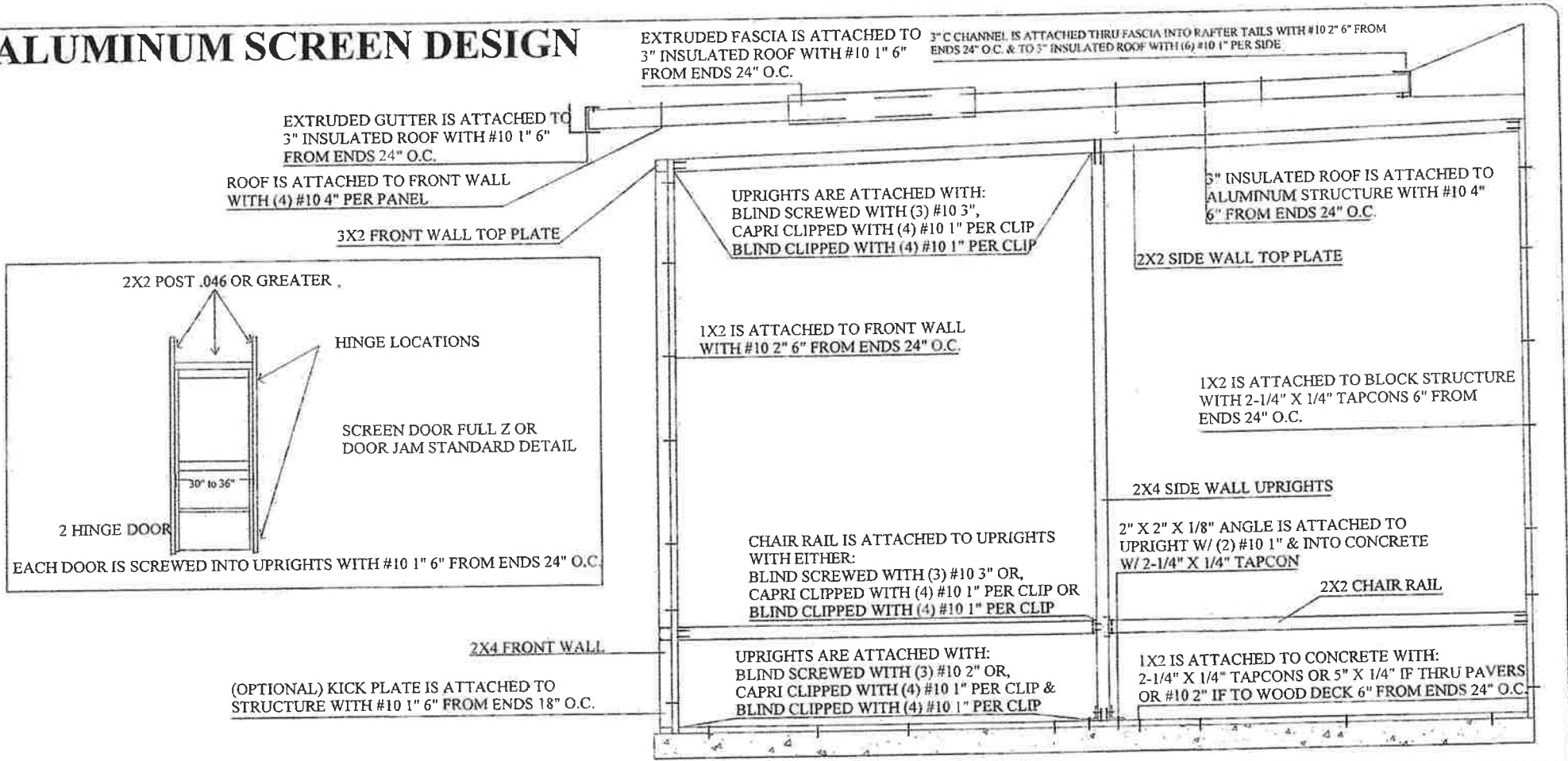
CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING:
FIBER MESH, VAPOR & TERMITE PROTECTION (IF REQUIRED)
CONCRETE SHALL BE A MINIMUM OF 3000 PSI
FOR COVERED STRUCTURES, CONTRACTOR SHALL
SECURE COLUMN BASE DIRECTLY TO THICKENED EDGE

MICHAEL THOMPSON
4401 VINELAND ROAD
SUITE A6
ORLANDO, FL 32811
P.E. # 47509
CA#30930

Reviewed for Code
Compliance
Universal Engineering
Associates

ALUMINUMSCREENDESIGN.COM
ALUMINUMSCREENDESIGN
@YAHOO.COM
PHONE: 407-734-1470
FAX: 407-734-1790

ALUMINUM SCREEN DESIGN



ALUMINUMSCREENDESIGN.COM
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 @YAHOO.COM
 PHONE: 407-734-1470
 FAX: 407-734-1790

DESIGN STATEMENT

METAL IS .046 THICKNESS OR GREATER, ALLOY IS 6005-T5
 ALL TAPCONS SHALL PROVIDE MINIMUM OF 1 1/8" CONCRETE EMBEDMENT DEPTH

THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE TO MEET THE REQUIREMENTS OF THE 2023 (8TH EDITION) FLORIDA BUILDING CODE FOR OPEN AND SEMI-OPEN STRUCTURES AND SHALL WITH STAND ULTIMATE WIND SPEEDS OF 130 MPH (FOR 3 SECOND GUSTS) NOMINAL SPEED 101.4 MPH UP TO A 15FT ROOF HEIGHT, FACTOR OF 1.0, AND EXPOSURE C, RISK CATEGORY I. CONTRACTOR SHALL FIELD VERIFY ALL PLANS DIMENSIONS PRIOR TO MATERIAL PURCHASE, FABRICATION AND CONSTRUCTION CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY SHOULD SITE CONDITIONS DIFFER FROM CONSTRUCTION PLANS

MICHAEL THOMPSON
 4401 VINELAND ROAD
 SUITE A6
 ORLANDO, FL 32811
 P.E. # 47509
 CA#30930

b.



b.





b.

b.



BOUNDARY SURVEY

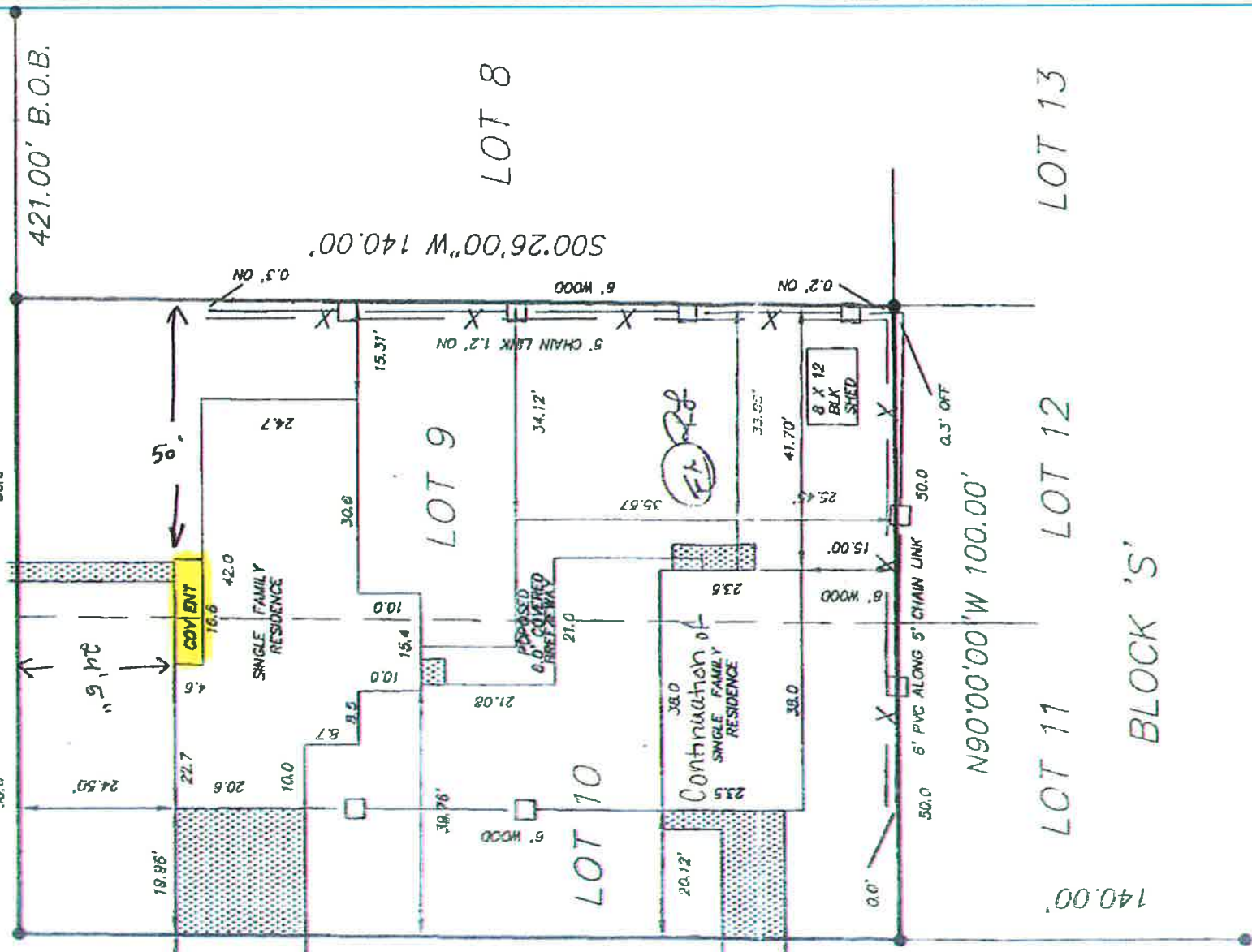
LEGAL DESCRIPTION: LOTS 9 & 10, BLOCK 'S', NELA ISLE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 'M', PAGE 55, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X' AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12095C0430 F. ORANGE COUNTY, MAP DATED SEPTEMBER 25, 2009.



SWANN AVENUE

N90°00'00"E 100.00'



1st Survey



PER PLAT 1" = 30'

1604 SWANN AVENUE

LEGEND

- FOUND CONCRETE MONUMENT
- FOUND PROPERTY CORNER
- SET PROPERTY CORNER
- PERMANENT CONTROL POINT
- △ DELTA
- ▽ AIR CONDITIONER
- ▲ B.L.K. BLOCK
- BASIS OF BEARING
- BEARING
- CHORD
- CONCRETE MONUMENT
- CORNER
- COVERED
- DESCRIBED
- D.I.E. DRAINAGE EASEMENT
- EAST ENTRANCE ENCLOSURE
- EASEMENT FOUND
- IRON PIPE
- IRON ROD
- LENGTH MEASURED
- NORTH
- NAIL & DISC
- POINT OF CURVATURE
- PERMANENT CONTROL POINT
- POINT OF TANGENCY
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- POINT ON LINE
- PLAT
- R.S. SAN. SCR. S.W. T. TEL. TYP. U.I.E. U.R.B. W.F. W.M.
- RADIUS / RADIAL
- SOUTH
- SANITARY
- SCREEN
- SIDEWALK
- TANGENT
- TELEPHONE RISER BOX
- TYPICAL
- UTILITY EASEMENT
- UTILITY RISER BOX
- WEST
- WOOD FENCE
- WATER METER
- CONCRETE

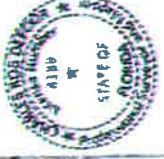
NOTES

1. BEARINGS ARE BASED ON RECORD PLAT.
2. THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT.
3. ROOF OVERHANGS AND FOOTERS HAVE NOT BEEN LOCATED.
4. NO IMPROVEMENTS OR UNDERGROUND UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN.
5. THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL.
6. THIS SURVEY IS NOT VALID FOR ANY REAL ESTATE TRANSACTIONS 90 DAYS BEYOND THE FINAL SURVEY DATE SHOWN.
7. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS HEREON FOR EASEMENTS OR RIGHT-OF-WAY OF RECORD.
8. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
9. ALL BEARINGS / ANGLES AND DISTANCES ARE PLAT AND MEASURED UNLESS NOTED OTHERWISE.

Prepared For: FERNANDO ALTAMRANO

Prepared By: CHARLES ROB DEFOOR

Date: 2022.03.15
09:26:11
-04'00"



DATE SIGNED 5-20-21

LOT SURVEY DATE:	
FOUNDATION DATE:	
FINAL SURVEY DATE:	5-20-21
DRAWN DATE:	5-20-21
SCALE:	1" = 30'
PAGE:	1 OF 1
REVISION DATE:	UPDATE 3/14

CHARLES ROB DEFOOR
PROFESSIONAL LAND SURVEYOR
P.O. BOX 1472 GENEVA, FLA. 32732 407-880-9811
DEFOORSURVEYING.COM

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AND IS ELECTRONICALLY SIGNED AND SEALED AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 54-17.050 THRU 54-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.08, 472.027, FLORIDA STATUTES.

CHARLES R., DEFOOR, PLS 4189

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOTS 9 & 10, BLOCK 'S', NELA ISLE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 'M', PAGE 55, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X' AREA OF MINIMAL FLOODING, AS PER F.L.R.M. COMMUNITY PANEL NO. 1202500430 E. ORANGE COUNTY MAP DATED SEPTEMBER 25, 2009.

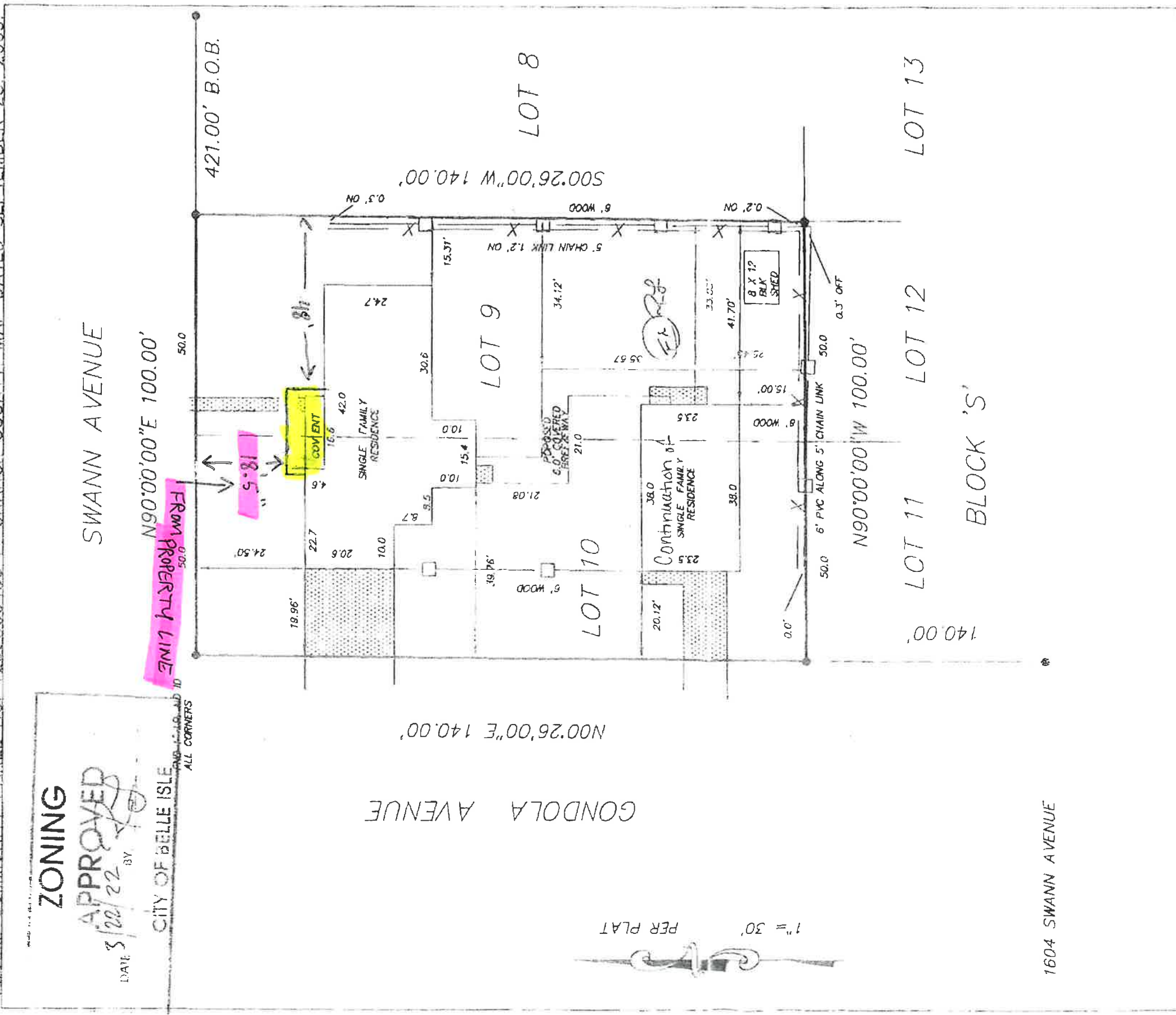
ZONING

APPROVED

DATE: 3/22/22 BY: [Signature]

CITY OF BELLE ISLE

ALL CORNERS



LEGEND

- FOUND CONCRETE MONUMENT
- FOUND PROPERTY CORNER
- ENCL. ENCLOSURE
- ESMT. EASEMENT
- FND. FOUND
- △ DELTA
- △/C AIR CONDITIONER
- BLK. BLOCK
- B.O.B. BASIS OF BEARING
- BRG. BEARING
- CHD. CHORD
- C.M. CONCRETE MONUMENT
- CONC. CONCRETE
- COR. CORNER
- COV. COVERED
- D. DESCRIBED
- D.E. DRAINAGE EASEMENT

NOTES

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7. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS HEREON FOR EASEMENTS OR RIGHT-OF-WAY OF RECORD.
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9. ALL BEARINGS / ANGLES AND DISTANCES ARE PLAT AND MEASURED UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AND IS ELECTRONICALLY SIGNED AND SEALED AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 5J-17.050 THRU 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.06, 472.027, FLORIDA STATUTES.

Digitally signed by Charles R DeFoor
 Date: 2022.03.15 09:26:11 -04'00'

PREPARED FOR:
 FERNANDO ALTAMIRANO

PREPARED BY:

CHARLES ROB DEFOOR
 PROFESSIONAL LAND SURVEYOR
 P.O. BOX 1472 GENEVA, FLA. 32732 407-880-9811
 DEFOORSURVEYING.COM

LOT SURVEY DATE:	
FOUNDATION DATE:	
FINAL SURVEY DATE:	5-20-21
DRAWN DATE:	5-20-21
SCALE:	1" = 30'
PAGE	1 OF 1
REVISION DATE/UPDATE	3/14/22

CHARLES R., DEFOOR, PLS 4189

DATE SIGNED 5-20-21



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

August 15, 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), AND 50-102 (B) (5) (B), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON THE REQUESTED VARIANCES TO ALLOW TWO WALLS ALONG EACH SIDE OF THE UNDEVELOPED PROPERTY, AND ALLOW ONE WALL TO BE TEN FEET IN HEIGHT INSTEAD OF THE REQUIRED MAXIMUM 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 two walls along the property's side lot lines. Each proposed wall acts as a barrier from the abutting property owner and the city right-of-way. The property is currently undeveloped, or vacant, except for a predated 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.

The homeowners seek to construct these two walls before or during the construction of their new single-family residence. The applicants have submitted a separate SFR permit application to the City's building department, pending zoning approval. City staff can only determine the lot's applicable front, side, and rear yards with an existing residence located on the property.

The proposed landscape wall abutting Nela Avenue has a peak height of ten feet from the property's grade. The design includes a maximum height of five feet and four inches of masonry wall with a five-foot aluminum railing fence embedded on top of the wall. As detailed on the MRC building sheet, the fence extends 127 feet and four inches abutting the right-of-way. From its peak height, the landscape wall steps down one foot and four inches for every 31 feet and three inches.

The proposed retaining wall abutting 2112 Homewood Drive has a peak height of four feet. In response to the City Engineer comments about the proposed lot grading plan, the applicant provided details for a retaining wall to address stormwater drainage issues that may accumulate on this property. Under section 10-152(D), any property's drainage from roofs and paved areas must not discharge in a manner that negatively impacts another property or creates a nuisance.

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):

For the requested height variance, the literal enforcement of the code does not result in an unnecessary hardship. The lot features unique physical and topographic conditions and circumstances peculiar to the land. However, the City’s maximum height allowance is eight feet with the consent of the neighboring property owners within 50 feet of the wall site.

For the requested two wall installations before or during the construction of the principal building, the literal enforcement of the code results in an unnecessary hardship. The retaining wall impacts the applicant’s current SFR building permit application, presenting one type of solution to the proposed lot grading plan for administrative zoning approval, and the landscape wall seeks to address erosion, safety, and privacy concerns.

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

The request to build a landscape wall to exceed the City’s maximum height allowance is a personal hardship. A personal hardship is not an allowable basis for granting a variance approval. An unnecessary hardship results from the special conditions or circumstances of the property and structures.

The request to build two walls prior to or during the construction of the principal building is not a self-created hardship. The landscape wall addresses erosion, privacy, and safety concerns from the abutting roadway, and the retaining wall prevents stormwater drainage from negatively affecting the adjacent property owner.

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

The request to build a landscape wall to exceed the City’s maximum height allowance makes reasonable use of the land due to the difference in grade between the property and the abutting public sidewalk.

The request to build two walls before the construction of the principal building makes reasonable use of the land, given the site’s proximity to a main city roadway and the grade differences between the city right-of-way and the neighboring property.

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

The request to build a wall exceeding the City’s maximum height requirement of eight feet is not in harmony with the purpose and intent of the land development code.

The variance request to build two walls before or during the construction of the principal building is not injurious to the neighborhood.

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, city staff recommends that the Board not approve the requested variance to build a wall at a maximum height of ten feet as the request is a self-created hardship and does not meet the purpose and intent of the city code. Staff recommends that the Board approve the requested variance to build a landscape wall and retaining wall four feet in height before or during the construction of the principal building, with the condition that the two walls meet all other zoning requirements per section 50-102(B).

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: August 27, 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), AND 50-102 (B) (5) (B), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON THE REQUESTED VARIANCES TO ALLOW TWO WALLS ALONG EACH SIDE OF THE UNDEVELOPED PROPERTY, AND ALLOW ONE WALL TO BE TEN FEET IN HEIGHT INSTEAD OF THE REQUIRED MAXIMUM 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), **TO APPROVE** TWO WALLS ALONG EACH SIDE OF THE UNDEVELOPED PROPERTY, AND ALLOW ONE WALL TO BE TEN FEET IN HEIGHT INSTEAD OF THE REQUIRED MAXIMUM 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]* TWO WALLS ALONG EACH SIDE OF THE UNDEVELOPED PROPERTY, AND ALLOW ONE WALL TO BE TEN FEET IN HEIGHT INSTEAD OF THE REQUIRED MAXIMUM 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

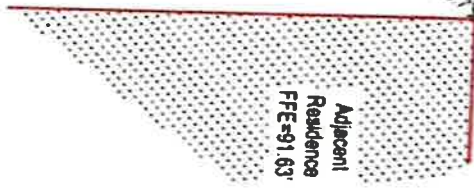
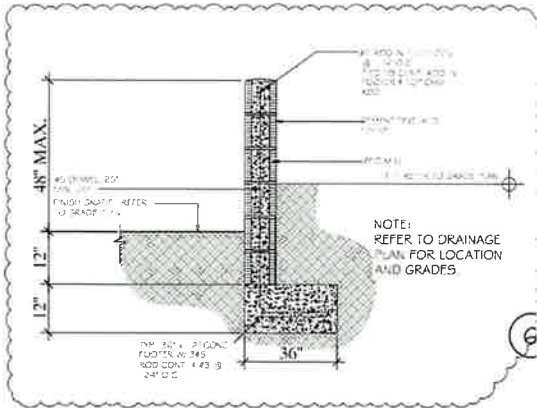
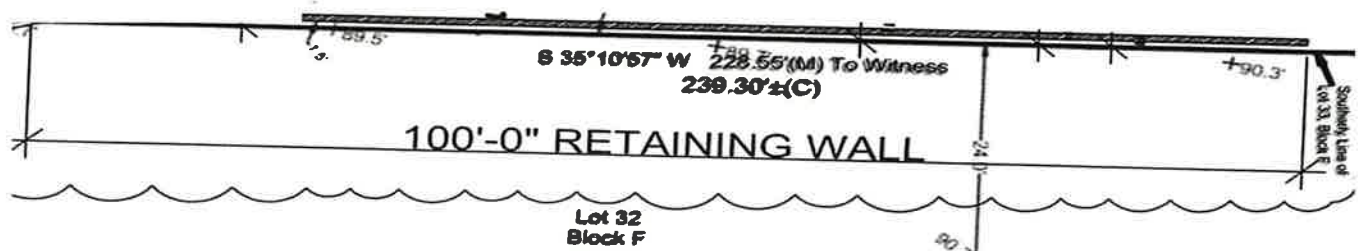
Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

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.



5 RETAINING WALL (TYP)
1/4" = 1'-0"



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	jpp@prestigecontractorservices.com	OWNER'S EMAIL	jpp@prestigecontractorservices.com
PARCEL ID#	19-23-30-5888-06-330		
LAND USE CLASSIFICATION	Residential	ZONING DISTRICT	
SECTION OF THE CODE VARIANCE REQUESTED ON 50-102(B)			
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. We would also like to build a retention wall on the neighboring side to help with drainage needs			
<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. 			
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	8/27/24

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

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

Fence/Wall Permit – Variance

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

Landscape Wall: 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.

Neighboring Wall: Our neighbor's elevation is lower than ours which creates specific drainage needs.

2. WHAT WOULD BE THE UNNECESSARY HARDSHIP?

Landscape Wall & Neighboring Wall: Without the landscape wall and neighboring retention wall, it could cause erosion between the homes and the right of way.

3. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?

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

4. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY?

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

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

There is no other alternative.

5. 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).

Landscape Wall: 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 Visevirsa.

Neighboring Wall: Approval of this retention wall won't negatively affect the neighboring property. We believe it will benefit them by preventing stormwater runoff from going to their lot.

6. Proposed Height?

Landscape Wall: The overall height of the metal fence will not exceed the 8 feet restriction. Per the plans provided the landscape wall at the beginning point (closest to the water/bridge) will be 8 feet with the fence installed on top. In this first section, most of the wall will be buried as we will fill it with soil to level it with the right-away side. The landscape wall will mostly be visible from our side and not the cities.

Neighboring Wall: Height will be 48" Max (details on D-1)



Amy Mercado
Orange County
Property Appraiser

OCA Lobby Open
by Appointment

Click Here To
Book Appointment



Certification of
Excellence in
Assessment
Administration

QUICK SEARCHES

ADVANCED SEARCHES

RESULTS

PROPERTY CARDS

TSP 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, Tools, Post, 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 HOMWOOD DR BELLE ISLE, FL 32809 19-23-30-5888-06-330

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

GIS Calculated

Notice

31,307 sqft. (+/-) | 0.72 acres (+/-)

Land

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


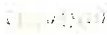



Description	Date Built	Units	Xfob Value
Shed - Shed	01/01/2005	1 Unit(s)	Working Value...

Page 1 of 1 (Total Records: 1)

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

 Dave Jordan  epinto@prestigecontractorservices.com
 Variance fence request
 Dec 28, 2023 at 9:25:12 AM
 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 lisa03@gmail.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

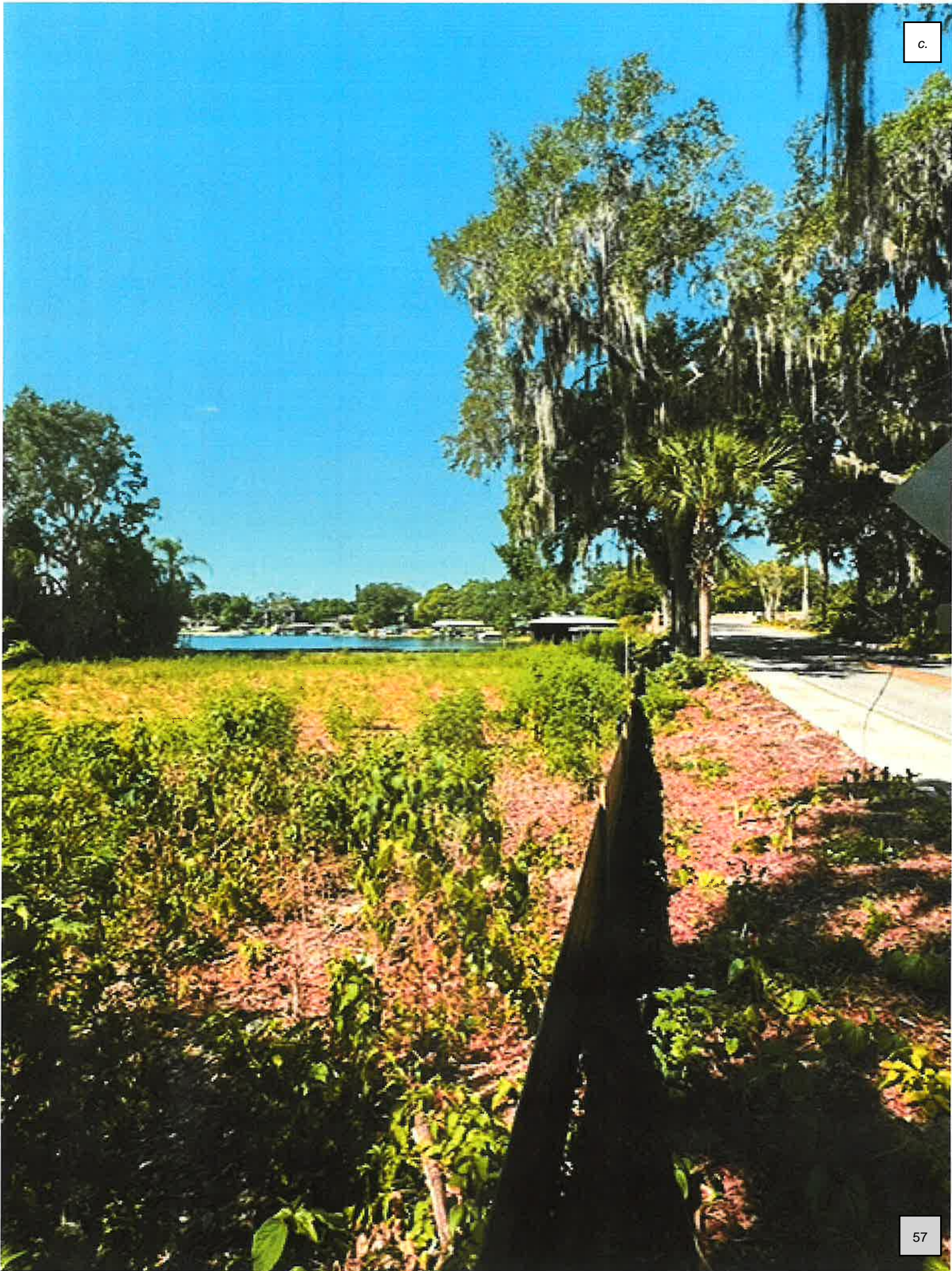
Dear Belle Isle Leadership,

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



c.





Boundary Survey (Plot Plan)

Legal Description:

LOT 33, BLOCK F, NELA ISLE ISLAND SECTION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK O, PAGE(S) 99, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA A 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 O 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.

FLOOD DISCLAIMER

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE V, AL 5.100. THIS PROPERTY WAS FOUND IN ORANGE COUNTY, COMMUNITY NUMBER 12018, DATED 2009-05-25

CERTIFIED TO:
ELIZETE PINTO AND JOSE PINTO, DOMINION TITLE COMPANY; CHICAGO TITLE INSURANCE COMPANY

CA
R= 425.00'(P)
L= 47.88'(P)
Δ= 06°28'41"(C)
Chord Bearing: S 43°11'01" E 47.88'(M)

CE
R= 425.00'(P)
L= 100.00'(P)
Δ= 13°28'53"(C)
Chord Bearing: S 62°19'41" E 99.91'(M)

LA
L= 13.70'(P)
S 42°39'42" E 13.83'(M)

CB
R= 25.00'(P)
L= 42.36'(C)
Δ= 97°04'17"(C)
Chord Bearing: S 82°19'03" E 37.47'(M)

CE
R= 425.00'(P)
L= 100.00'(P)
Δ= 13°28'53"(C)
Chord Bearing: S 79°15'08" E 99.98'(M)

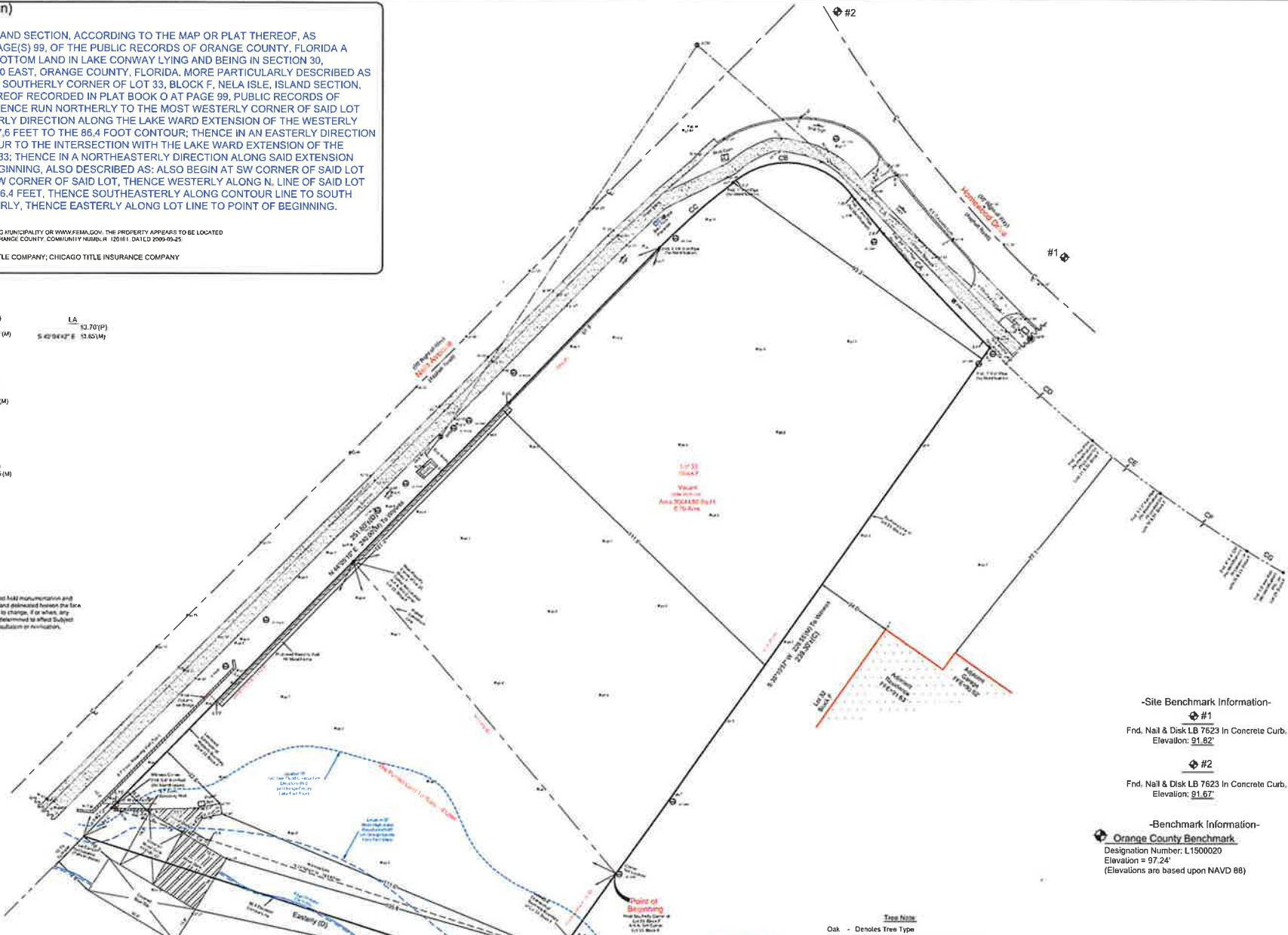
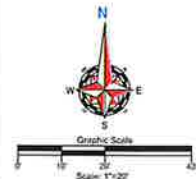
CC
R= 225.00'(P)
L= 30.25'(C)
Δ= 07°42'10"(C)
Chord Bearing: S 48°40'49" W 30.23'(M)

CE
R= 425.00'(P)
L= 13.00'(P)
Δ= 01°49'31"(C)
Chord Bearing: S 65°41'36" E 14.25'(M)

CD
R= 425.00'(P)
L= 100.00'(P)
Δ= 12°23'53"(C)
Chord Bearing: S 51°30'55" E 100.00'(M)

This Boundary Survey is based upon the foremost M&M monuments and occupation measurements on the date of 06-17-24, and delineated between the face of this Survey. Property boundaries are subject to change, if or when, any other present or future monuments is discovered and determined to affect Subject Property. Said change is without limitation, consultation or notification.

OHE = Overhead Electric
WPP = Wood Power Pole



-Site Benchmark Information-

#1
Frd. Nail & Disk LB 7623 In Concrete Curb.
Elevation: 91.82'

#2
Frd. Nail & Disk LB 7623 In Concrete Curb.
Elevation: 91.67'

-Benchmark Information-

Orange County Benchmark
Designation Number: L1500020
Elevation = 97.24'
(Elevations are based upon NAVD 88)

Notes: Assumed Bearings

Date:	Date Completed:	Drawn By:	Field Number:
06/02/23	08/04/23	JL	15-121093

Code	Legend
CA	Corner of Curved
CE	Corner of Straight
CB	Corner of Beveled
CC	Corner of Concave
CD	Corner of Convex
CP	Corner of Point
CPA	Corner of Point at Angle
CPB	Corner of Point at Right Angle
CPD	Corner of Point at Ditch
CPH	Corner of Point at Hill
CPV	Corner of Point at Valley
CPW	Corner of Point at Wall
CPX	Corner of Point at X
CPY	Corner of Point at Y
CPZ	Corner of Point at Z
CPAA	Corner of Point at AA
CPAB	Corner of Point at AB
CPAC	Corner of Point at AC
CPAD	Corner of Point at AD
CPAE	Corner of Point at AE
CPAF	Corner of Point at AF
CPAG	Corner of Point at AG
CPAH	Corner of Point at AH
CPAI	Corner of Point at AI
CPAJ	Corner of Point at AJ
CPAK	Corner of Point at AK
CPAL	Corner of Point at AL
CPAM	Corner of Point at AM
CPAN	Corner of Point at AN
CPAO	Corner of Point at AO
CPAP	Corner of Point at AP
CPAQ	Corner of Point at AQ
CPAR	Corner of Point at AR
CPAS	Corner of Point at AS
CPAT	Corner of Point at AT
CPAU	Corner of Point at AU
CPAV	Corner of Point at AV
CPAW	Corner of Point at AW
CPAX	Corner of Point at AX
CPAY	Corner of Point at AY
CPAZ	Corner of Point at AZ
CPBA	Corner of Point at BA
CPBB	Corner of Point at BB
CPBC	Corner of Point at BC
CPBD	Corner of Point at BD
CPBE	Corner of Point at BE
CPBF	Corner of Point at BF
CPBG	Corner of Point at BG
CPBH	Corner of Point at BH
CPBI	Corner of Point at BI
CPBJ	Corner of Point at BJ
CPBK	Corner of Point at BK
CPBL	Corner of Point at BL
CPBM	Corner of Point at BM
CPBN	Corner of Point at BN
CPBO	Corner of Point at BO
CPBP	Corner of Point at BP
CPBQ	Corner of Point at BQ
CPBR	Corner of Point at BR
CPBS	Corner of Point at BS
CPBT	Corner of Point at BT
CPBU	Corner of Point at BU
CPBV	Corner of Point at BV
CPBW	Corner of Point at BW
CPBX	Corner of Point at BX
CPBY	Corner of Point at BY
CPBZ	Corner of Point at BZ
CPCA	Corner of Point at CA
CPCB	Corner of Point at CB
CPCC	Corner of Point at CC
CPCD	Corner of Point at CD
CPCE	Corner of Point at CE
CPCF	Corner of Point at CF
CPCG	Corner of Point at CG
CPCH	Corner of Point at CH
CPCI	Corner of Point at CI
CPCJ	Corner of Point at CJ
CPCK	Corner of Point at CK
CPCL	Corner of Point at CL
CPCM	Corner of Point at CM
CPCN	Corner of Point at CN
CPCO	Corner of Point at CO
CPCP	Corner of Point at CP
CPCQ	Corner of Point at CQ
CPCR	Corner of Point at CR
CPCS	Corner of Point at CS
CPCT	Corner of Point at CT
CPCU	Corner of Point at CU
CPCV	Corner of Point at CV
CPCW	Corner of Point at CW
CPCX	Corner of Point at CX
CPCY	Corner of Point at CY
CPCZ	Corner of Point at CZ
CPDA	Corner of Point at DA
CPDB	Corner of Point at DB
CPDC	Corner of Point at DC
CPDD	Corner of Point at DD
CPDE	Corner of Point at DE
CPDF	Corner of Point at DF
CPDG	Corner of Point at DG
CPDH	Corner of Point at DH
CPDI	Corner of Point at DI
CPDJ	Corner of Point at DJ
CPDK	Corner of Point at DK
CPDL	Corner of Point at DL
CPDM	Corner of Point at DM
CPDN	Corner of Point at DN
CPDO	Corner of Point at DO
CPDP	Corner of Point at DP
CPDQ	Corner of Point at DQ
CPDR	Corner of Point at DR
CPDS	Corner of Point at DS
CPDT	Corner of Point at DT
CPDU	Corner of Point at DU
CPDV	Corner of Point at DV
CPDW	Corner of Point at DW
CPDX	Corner of Point at DX
CPDY	Corner of Point at DY
CPDZ	Corner of Point at DZ
CPEA	Corner of Point at EA
CPEB	Corner of Point at EB
CPEC	Corner of Point at EC
CPED	Corner of Point at ED
CPEE	Corner of Point at EE
CEPF	Corner of Point at EF
CEPG	Corner of Point at EG
CEPH	Corner of Point at EH
CEPI	Corner of Point at EI
CEPJ	Corner of Point at EJ
CEPK	Corner of Point at EK
CEPL	Corner of Point at EL
CEPM	Corner of Point at EM
CEPN	Corner of Point at EN
CEPO	Corner of Point at EO
CEPP	Corner of Point at EP
CEPQ	Corner of Point at EQ
CEPR	Corner of Point at ER
CEPS	Corner of Point at ES
CEPT	Corner of Point at ET
CEPU	Corner of Point at EU
CEPV	Corner of Point at EV
CEPW	Corner of Point at EW
CEPX	Corner of Point at EX
CEPY	Corner of Point at EY
CEPZ	Corner of Point at EZ
CEQA	Corner of Point at QA
CEQB	Corner of Point at QB
CEQC	Corner of Point at QC
CEQD	Corner of Point at QD
CEQE	Corner of Point at QE
CEQF	Corner of Point at QF
CEQG	Corner of Point at QG
CEQH	Corner of Point at QH
CEQI	Corner of Point at QI
CEQJ	Corner of Point at QJ
CEQK	Corner of Point at QK
CEQL	Corner of Point at QL
CEQM	Corner of Point at QM
CEQN	Corner of Point at QN
CEQO	Corner of Point at QO
CEQP	Corner of Point at QP
CEQQ	Corner of Point at QQ
CEQR	Corner of Point at QR
CEQS	Corner of Point at QS
CEQT	Corner of Point at QT
CEQU	Corner of Point at QU
CEQV	Corner of Point at QV
CEQW	Corner of Point at QW
CEQX	Corner of Point at QX
CEQY	Corner of Point at QY
CEQZ	Corner of Point at QZ
CERA	Corner of Point at RA
CERB	Corner of Point at RB
CERC	Corner of Point at RC
CERD	Corner of Point at RD
CERE	Corner of Point at RE
CERF	Corner of Point at RF
CERG	Corner of Point at RG
CERH	Corner of Point at RH
CERI	Corner of Point at RI
CERJ	Corner of Point at RJ
CERK	Corner of Point at RK
CERL	Corner of Point at RL
CERM	Corner of Point at RM
CERN	Corner of Point at RN
CERO	Corner of Point at RO
CERP	Corner of Point at RP
CERQ	Corner of Point at RQ
CERR	Corner of Point at RR
CERS	Corner of Point at RS
CERT	Corner of Point at RT
CERU	Corner of Point at RU
CERV	Corner of Point at RV
CERW	Corner of Point at RW
CERX	Corner of Point at RX
CERY	Corner of Point at RY
CERZ	Corner of Point at RZ
CESA	Corner of Point at SA
CESB	Corner of Point at SB
CESC	Corner of Point at SC
CESD	Corner of Point at SD
CESE	Corner of Point at SE
CESF	Corner of Point at SF
CESG	Corner of Point at SG
CESH	Corner of Point at SH
CESI	Corner of Point at SI
CESJ	Corner of Point at SJ
CESK	Corner of Point at SK
CESL	Corner of Point at SL
CESM	Corner of Point at SM
CESN	Corner of Point at SN
CESO	Corner of Point at SO
CESP	Corner of Point at SP
CESQ	Corner of Point at SQ
CESR	Corner of Point at SR
CESS	Corner of Point at SS
CEST	Corner of Point at ST
CESU	Corner of Point at SU
CESV	Corner of Point at SV
CESW	Corner of Point at SW
CESX	Corner of Point at SX
CESY	Corner of Point at SY
CESZ	Corner of Point at SZ
CETA	Corner of Point at TA
CETB	Corner of Point at TB
CETC	Corner of Point at TC
CETD	Corner of Point at TD
CETE	Corner of Point at TE
CETF	Corner of Point at TF
CETG	Corner of Point at TG
CETH	Corner of Point at TH
CETI	Corner of Point at TI
CETJ	Corner of Point at TJ
CETK	Corner of Point at TK
CETL	Corner of Point at TL
CETM	Corner of Point at TM
CETN	Corner of Point at TN
CEO	Corner of Point at O

Oak - Denotes Tree Type
(18") - Diameter of Tree measured at Chest Height

Revisions

Plot Plan Was - 06/20/24 - ADS

Update Topographic Survey-05/22/24-JTP

Add Dimensions Per Client - 06/19/23

Patrick K. Ireland

Patrick K. Ireland, Surveyor No. 15267
This Survey is a preliminary Topographic Survey and is not to be used for any other purpose without the written consent of the Surveyor. The Surveyor is not responsible for any errors or omissions in this Survey. The Surveyor is not responsible for any damage to property or persons caused by the use of this Survey. The Surveyor is not responsible for any delay in the completion of this Survey. The Surveyor is not responsible for any cost of this Survey. The Surveyor is not responsible for any other matter.

Ireland & Associates Surveying, Inc.
850 Courtney Circle, Suite 1020
Lake Mary, Florida 32746
www.irelandssurveying.com
Office-407.678.3366 Fax-407.320.8165

DESIGN REQUIREMENTS:

1. LIVE LOAD FOR FLOORS & DECKS IS 10 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.

DESIGN REQUIREMENTS:

1. THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE WIND LOAD REQUIREMENTS OF THE 2015 INTERNATIONAL BUILDING CODE (IBC) AND 2015 IBC EDITION SECTION 603 DESIGN CRITERIA AND INCLUDING ASCE 7-22.
2. WIND SPEED - 139 MPH ULTIMATE WIND SPEED (A1) AND 100 MPH (V50)
3. WIND EXPOSURE - CATEGORY B
4. WIND EXPOSURE - CATEGORY D

DESIGNED FOR:
 Prestige Home Services

LOCATION:
 4200 International Drive
 Suite 1200, Ft. Myers, FL 33901

1-315-CHEMICAL
 1-315-CHEMICAL ENGINEER
 1-315-CHEMICAL ENGINEER
 1-315-CHEMICAL ENGINEER
 1-315-CHEMICAL ENGINEER
 1-315-CHEMICAL ENGINEER
 1-315-CHEMICAL ENGINEER
 1-315-CHEMICAL ENGINEER

REVISIONS BY: MRC 03/29/2024

OF 1 SHEETS SHEET 010624.002 JOB NO. 3/16/24 SCALE 01/06/2024 DATE CHECKED MRC DRAWN MRC

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.

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

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

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