

## MEMORANDUM

b.

**TO:** Planning and Zoning Board  
**DATE:** September 23, 2025  
**RE:** Variance Application 5208 Driscoll Court

**Planning and Zoning Case Number 2025-08-027:**

**PURSUANT TO SECTION 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION SECTION 50-102 (B) (5) (A) TO ALLOW A FENCE HEIGHT TALLER THAN SIX FEET, SUBMITTED BY APPLICANT HERBERT BETANCOURT, ON BEHALF OF THE PROPERTY OWNER, CLAUDIA MUSTAFA FOR THE PROPERTY LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020.**

**Background:**

1. On August 22, 2025, the applicant submitted a Variance application and the paperwork.
2. On September 11, 2025, letters to the abutting property owners were mailed within 300 feet of the subject property, and a legal advertisement was placed in the Orlando Sentinel on September 13, 2025.
3. 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, **50-102(B)(5)(A) TO APPROVE A FENCE HEIGHT TALLER THAN SIX FEET, SUBMITTED BY APPLICANT HERBERT BETANCOURT, ON BEHALF OF THE PROPERTY OWNER, CLAUDIA MUSTAFA FOR THE PROPERTY LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020.**

**SAMPLE MOTION TO DENY:** "I MOVE, PURSUANT TO BELLE ISLE CODE 42-64, **50-102(B),(5)A, HAVING NOT BEEN MET, TO DENY** *[use only if NONE of the justifying criteria have been met]* the requirements of, Subsections: *[state only the subsections below that are not satisfied]* having NOT been met; *[may be used in addition to above or alone]* A FENCE HEIGHT TALLER THAN SIX FEET, SUBMITTED BY APPLICANT HERBERT BETANCOURT, ON BEHALF OF THE PROPERTY OWNER, CLAUDIA MUSTAFA FOR THE PROPERTY LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020.

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

**SUBSECTION (D)**, a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship, and that said hardship is created by special conditions and circumstances peculiar to the land, structure, or building involved, including but not limited to dimensions, topography, or soil conditions.

**SUBSECTION (E)**, personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

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

**SUBSECTION (G)**, the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

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## 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	Herbert Betancourt	OWNER	Claudia Mustafa
ADDRESS	4112 Firewater Ct, Orlando, FL 32829	PROJECT ADDRESS	5208 Driscoll Ct Belle Isle
CONTACT NUMBER	407 617 8271	OWNER'S CONTACT NUMBER	4075307116
EMAIL	nuevarhema@gmail.com	OWNER'S EMAIL	cmustafa30@icloud
PARCEL ID#	20-23-30-1222-00-020		
LAND USE CLASSIFICATION	Residencial	ZONING DISTRICT	BI-R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON	<input checked="" type="checkbox"/> Variance Fee \$300 <input type="checkbox"/> Special Exception \$750		

### DETAILED VARIANCE REQUEST

To raise the west and south fence of the property from 6' to 8'.

Due to the elevated height of my back pool deck, there is a direct and unobstructed view into my neighbors' backyard and rear windows, which compromises their privacy as well as ours. Raising the fence from 6 feet to 8 feet on the west and south sides will significantly reduce this visibility, helping to restore a reasonable level of privacy for both properties. The neighbor on the south side has previously reviewed and agreed to this proposed increase in height.

- 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 property deed restriction.
- By applying, I authorize the 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 <i>Herbert Betancourt</i>	OWNER'S SIGNATURE <i>Claudia Mustafa</i>			
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	P&Z CASE NUMBER <i>2025-08-027</i>	DATE OF HEARING <i>9-23-2025</i>

### VARIANCE

**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.

## **Variance Request Letter**

**Applicant:** Claudia Mustafa

**Property Address:** 5208 Driscoll Ct, Belle Isle, FL

### **To the City of Belle Isle Planning & Zoning Board:**

I respectfully request a variance to allow the rear fence on my property, located at 5208 Driscoll Ct, to be raised to a height of eight (8) feet.

### **Special Conditions and Circumstances**

My backyard, where my swimming pool is located, is in an elevated position relative to the neighboring property at 5225 St. Regis Place. From our yard and pool deck, we can see directly into the living areas of their house, and likewise, they can see into ours. This creates a unique condition of lack of privacy that does not exist in the same way for other homes in the area.

### **Not Self-Created Hardship**

The hardship is not self-created. The elevated grading of my property in relation to the western neighbor is a natural topographical condition. This situation was not caused by any action on my part.

### **Minimum Variance**

The requested height of 8 feet is the minimum variance necessary to achieve the reasonable use of the backyard and pool area with adequate privacy. Lower fence heights, such as six feet, do not provide effective screening given the elevation difference. Alternatives such as landscaping or screens would not address the line of sight from the elevated pool area into the neighbor's home.

### **Purpose and Intent**

Approval of this variance is in harmony with the general purpose and intent of the Code. The variance will not be injurious to the neighborhood or detrimental to public welfare. In fact, it will:

- Provide mutual privacy for both households, reducing the ability to see directly into each other's living spaces.
- Preserve the aesthetic consistency of the area, as 8-foot fencing already exists on adjacent lots.
- Protect the enjoyment and use of our swimming pool and backyard without imposing on the rights or light, air, or access of surrounding properties.

### **Neighbor Input and Precedent**

- **Support:** Written authorization has been received from the southern neighbor at 5216 Driscoll Ct.
- **Existing Context – North Side:** Our northern neighbor at 5200 Driscoll Ct already has an 8-foot fence adjoining our property.
- **Precedent – 5225 St. Regis Pl:** While the western neighbor at 5225 St. Regis Place has expressed opposition, it should be noted that they previously allowed their northern neighbor at 5208 St. Regis Place to build an 8-foot fence. There is therefore precedent for 8-foot fencing in their immediate boundary lines.

For these reasons, I kindly request the Board's approval of this variance to allow an 8-foot fence at 5208 Driscoll Ct.

Respectfully submitted,

Claudi Mustafa

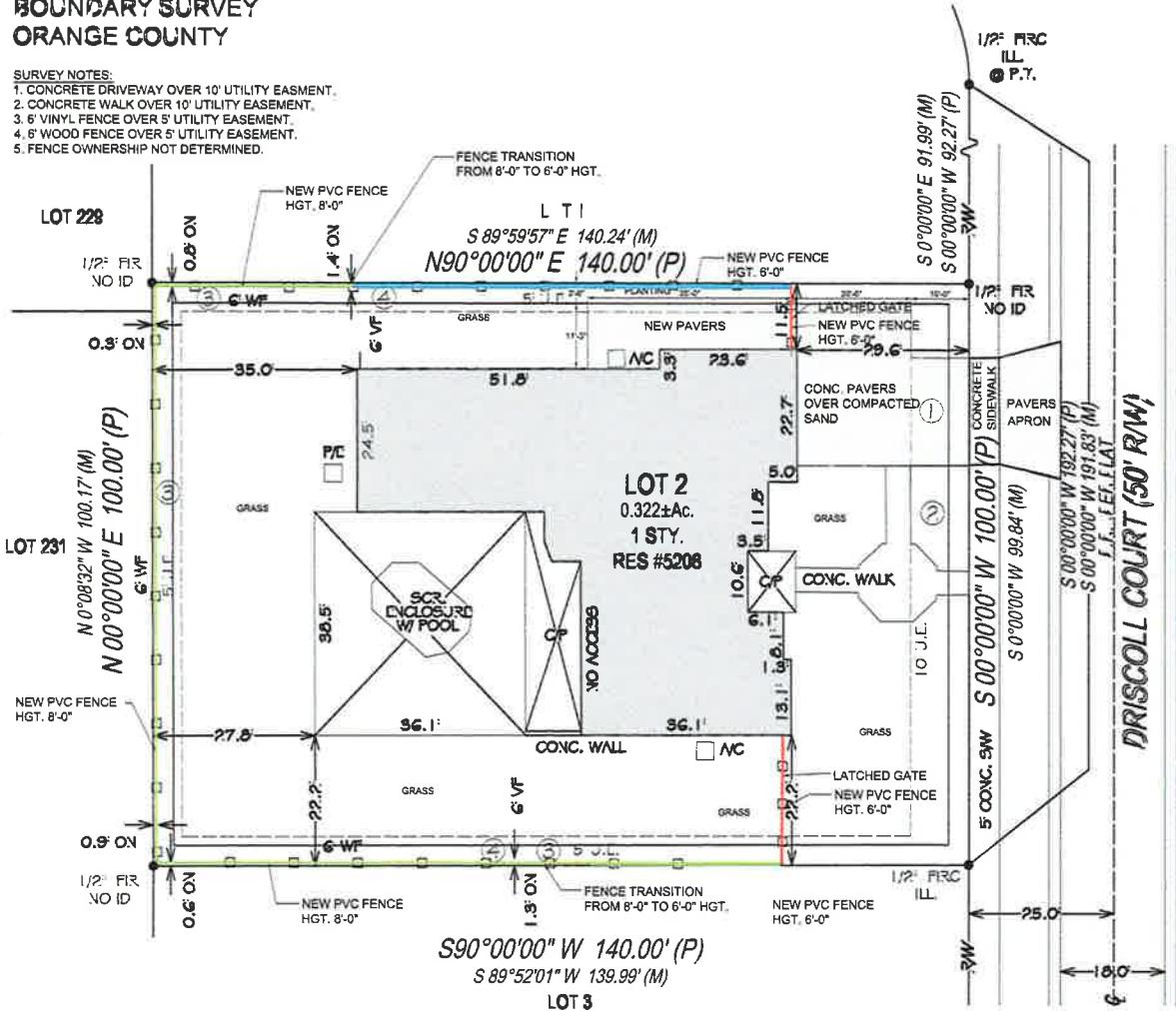
2407.6248  
BOUNDARY SURVEY  
ORANGE COUNTY

**SURVEY NOTES:**

1. CONCRETE DRIVEWAY OVER 10' UTILITY EASMENT.
2. CONCRETE WALK OVER 10' UTILITY EASEMENT.
3. 6' VINYL FENCE OVER 5' UTILITY EASEMENT.
4. 6' WOOD FENCE OVER 5' UTILITY EASEMENT.
5. FENCE OWNERSHIP NOT DETERMINED.

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## PROPOSED FENCE - SITE PLAN

SCALE 1" = 10'-0"

## LEGEND

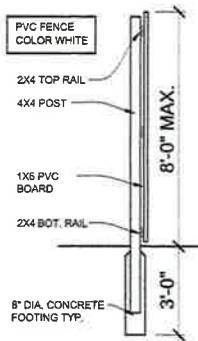
6'-0" FENCE HEIGHT  
8'-0" FENCE HEIGHT PROPOSED  
8'-0" FENCE HEIGHT EXISTING

#### FENCE NOTES:

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

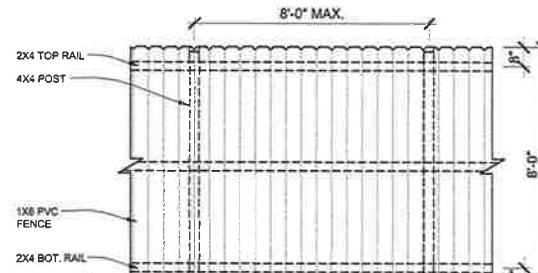
**GENERAL NOTES:**

1. STRUCTURE IS SUBJECT TO FIELD VERIFICATION AND CHANGES ANY CHANGES THAT ARE DEEMED NECESSARY ARE TO BE REPORTED TO E.O.R. BEFORE MAKING SAID CHANGES.
2. DO NOT SCALE DRAWINGS. THE CONTRACTOR AND SUBCONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO WORK PERFORMED AND SHALL NOTIFY THE DESIGNER OR ENGINEER IF ANY DISCREPANCIES ARE FOUND.
3. THESE DRAWINGS ARE NOT INTENDED TO COVER ALL CONDITIONS. FIELD DECISIONS MAY NEED TO BE MADE BY E.O.R. OR D.O.R. IF THIS SITUATION ARISES. PLEASE CONTACT E.O.R. OR D.O.R. AT PHONE NUMBER IN TITLE BLOCK. CONTRACTOR SHALL ALLOW FOR MINOR ADJUSTMENTS.
4. ANY CHANGES TO FLOOR PLAN OR ELEVATIONS MUST BE REPORTED TO E.O.R. OR D.O.R. FOR APPROVAL.
5. EA DESIGN CONCEPTS AND/OR M&E ASSOCIATES SHALL NOT BE HELD LIABLE FOR ANY FIELD CHANGES MADE THAT ARE NOT REPORTED TO THEM PRIOR TO MAKING SAID CHANGES.
6. ALL WORK DONE UNDER THIS CONTRACT SHALL BE IN COMPLIANCE WITH THE 8TH EDITION (2023) FLORIDA BUILDING CODE (FBCR) FOR THE AREA IN WHICH THE STRUCTURE IS TO BE BUILT, AND IN CONJUNCTION WITH ASCE 7-16 AND ALL LOCAL CODE OF ORDINANCES.
7. THE CONTRACTOR SHALL BRING ERRORS AND OMISSIONS WHICH MAY OCCUR IN CONTRACT DOCUMENTS TO THE ATTENTION OF THE DESIGNER IN WRITING AND WRITTEN INSTRUCTIONS SHALL BE OBTAINED BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR THE RESULTS OF ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE CONTRACT DOCUMENTS, OF WHICH THE CONTRACTOR FAILED TO NOTIFY THE DESIGNER BEFORE CONSTRUCTION AND/OR FABRICATION OF THE WORK.
8. THE DESIGNER/ENGINEER SHALL NOT BE RESPONSIBLE FOR THE SAFETY AND CONSTRUCTION PROCEDURES, TECHNIQUES, OR THE FAILURE OF THE BUILDER TO CARRY OUT THE WORK IN ACCORDANCE WITH THE DRAWINGS OR THE REQUIRED CODES.
9. DETAILS SHOWN ON THE DRAWINGS ARE TO BE CONSIDERED TYPICAL FOR ALL SIMILAR CONDITIONS.
10. THE CONTRACTOR SHALL MAKE NO STRUCTURAL CHANGES WITHOUT WRITTEN APPROVAL FROM THE DESIGNER/ENGINEER.
11. NO STRUCTURAL MEMBERS ARE TO BE CUT FOR PIPES, DUCTS, ETC. UNLESS SPECIFICALLY DETAILED.



## FENCE SECTION

SCALE: 1/25 = 1



### PVC FENCE ELEVATION

1 VOTER  
PSN 5-185-11-21

ONE OF THE MOST FAMOUS AND MOST REVERED OF THE  
PICTURES OF THE HOLY FAMILY IS THE MIRACULOUS  
IMAGE OF THE HOLY FAMILY OF FLORENCE, WHICH  
IS LOCATED IN THE CHURCH OF SAN LUCA IN  
THE FLORENCE, ITALY. THE IMAGE IS A  
PICTURE OF THE HOLY FAMILY, WITH THE  
BABY JESUS IN THE MIDDLE, AND THE  
MOTHER MARY AND THE FATHER JESUS  
ON THE SIDES. THE IMAGE IS  
REVERED AS A HOLY RELIC AND IS  
VISITED BY MILLIONS OF PEOPLE  
EVERY YEAR.

NEW FENCE & PAVERS

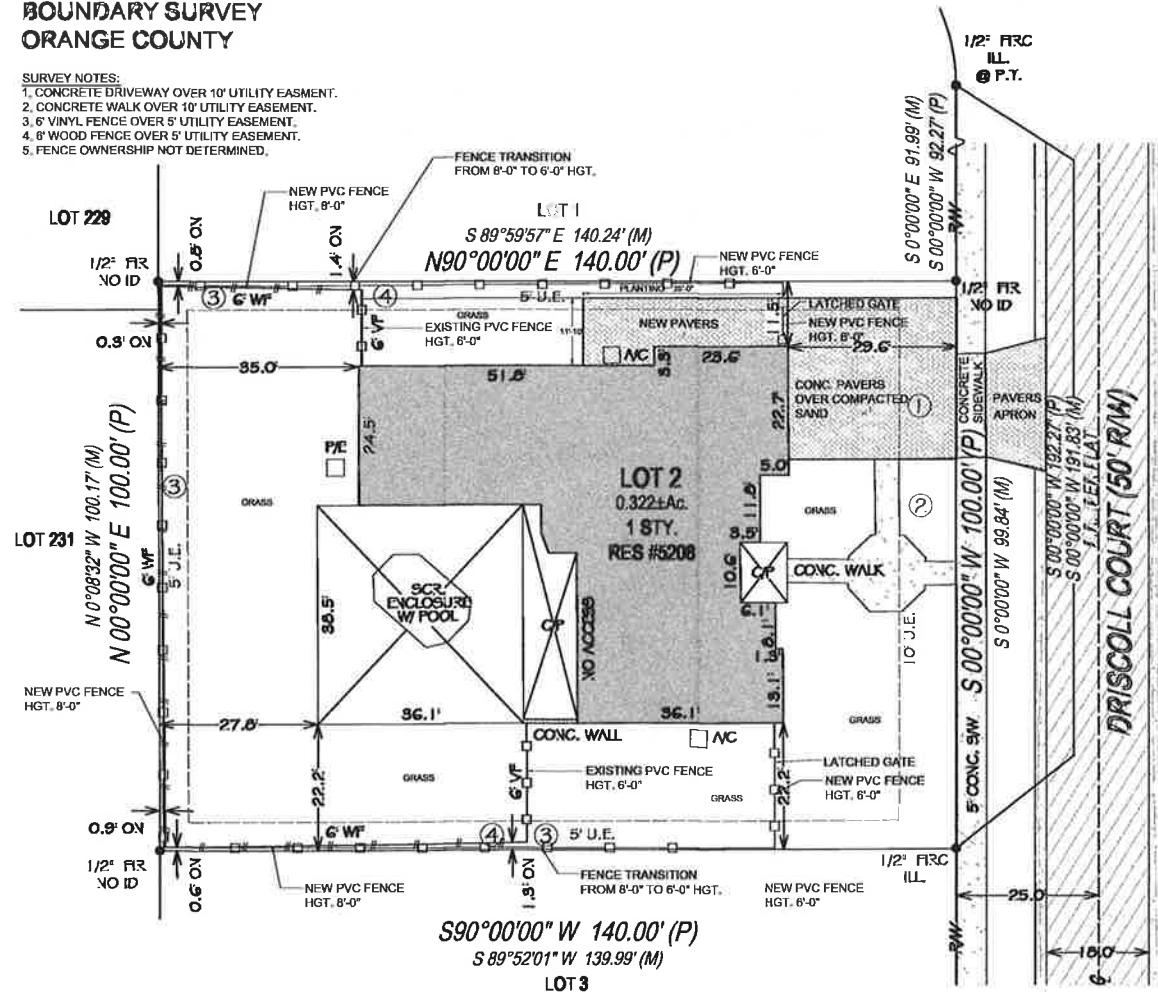
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A1.0



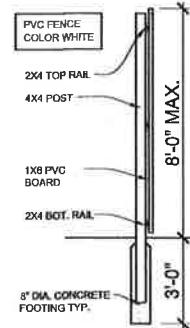
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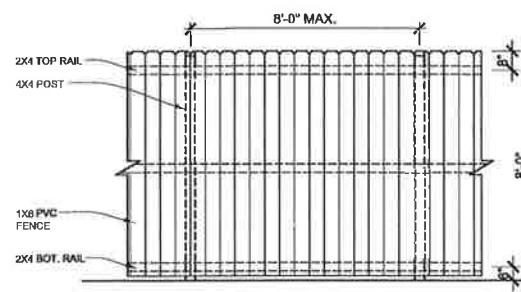
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**FENCE SECTION**

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



**PVC FENCE ELEVATION**

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

**NEW FENCE & PAVERS**

EA DESIGN CONCEPTS  
8288 HERST ST, UNIT 101  
ORLANDO, FL 32814  
PHONE: 407-457-1889

REVISIONS		
#	DATE	DESCRIPTION
B1624		FOR PERMIT

SHEET NAME	
SITE PLAN	
SHEET NUMBER	

**A1.0**

**Prepared by and Return To:**

Brenda Chesher  
Fidelity National Title of Florida, Inc.  
7208 W. Sand Lake Rd, Suite 102  
Orlando, FL 32819

**Order No.:** 29-24-0313

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

**Doc Stamp:** \$4,725.00

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

## **WARRANTY DEED**

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

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

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

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

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

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

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

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

## WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

  
Witness Signature

Yenisley Garcia  
Print Name

Address: 2343 Juno Ave  
Orlando FL 32817

  
Witness Signature

DAVID WOOLVER  
Print Name

Address: 6315. Orlando Ave # 260  
WINTER PARK, FL 32789

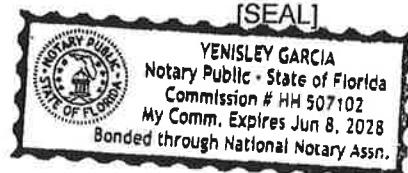
State of Florida

County of Orange

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 7 day of August, 2024, by Beverly Jane Smithwick, a single woman, Individually and as Trustee under the provisions of an unrecorded trust agreement known as the Beverly Jane Smithwick Revocable Trust, dated the 21st day of May, 1991, as the same may from time to time be amended, to me known to be the person(s) described in or who has/have produced FL Driver's License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

  
NOTARY PUBLIC

My Commission Expires: 6/8/28



Claudia Mustafa

5208 Driscoll Ct Belle Isle, FL 32812

Eric Dominguez

5206 St Regis Belle Isle, FL 32812

Dear Mr. Dominguez,

I am writing to inform you of a proposed enhancement to my property located at 5208 Driscoll Ct, Belle Isle. As part of this project, I am planning to erect an eight-foot-tall fence along the boundary of our properties.

This fence is designed to provide increased privacy and security for both our properties. The specific details of the fence are as follows:

- ❑ Height: 8 feet
- ❑ Material: Vinyl
- ❑ Color: White
- ❑ Style: Privacy
- ❑ Length and Position: 5 feet along the property line

In accordance with the City of Belle Isle's regulations, I am required to obtain written consent from neighboring property owners within 50 feet of the project site. Your property at 5206 St Regis, Belle Isle, is within this range, and as such, your consent is kindly requested to proceed with this project.

Thank you for considering this request. I look forward to your favorable response and to making enhancements that will benefit both our properties.

Sincerely,

Claudia Mustafa

#### Consent Form

As the property owner of 5206 St Regis, I hereby give my consent for the construction of an eight-foot-tall fence in accordance with the work scope detailed in the letter above.

Signature: 

Date: 18-08-25

Claudia Mustafa

5208 Driscoll Ct Belle Isle, FL 32812

John Rowe

5216 Driscoll Ct Belle Isle, FL 32812

Dear Mr. Rowe,

I am writing to inform you of a proposed enhancement to my property located at 5208 Driscoll Ct, Belle Isle. As part of this project, I am planning to erect an eight-foot-tall fence along the boundary of our properties.

This fence is designed to provide increased privacy and security for both our properties. The specific details of the fence are as follows:

☒ Height: 8 feet

☒ Material: Vinyl

☒ Color: White

☒ Style: Privacy

☒ Length and Position: 74.8 feet along the property line

In accordance with the City of Belle Isle's regulations, I am required to obtain written consent from neighboring property owners within 50 feet of the project site. Your property at 5216 Driscoll Ct, Belle Isle, is within this range, and as such, your consent is kindly requested to proceed with this project.

Thank you for considering this request. I look forward to your favorable response and to making enhancements that will benefit both our properties.

Sincerely,

Claudia Mustafa

#### Consent Form

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Signature: 

Date: 20 Aug 2025

