

MEMORANDUM

TO: Planning and Zoning Board

DATE: October 24, 2023

RE: Variance Application – 1610 Wind Willow Road

Public Hearing #2023-08-018 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (8), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW FENCE POSTS AND SUPPORTING STRUCTURES AS WELL AS THE ROUGH SIDE OF THE FENCE TO FACE TWO NEIGHBORING PROPERTIES, SUBMITTED BY APPLICANT JOHNNY NELSON, LOCATED AT 1610 WIND WILLOW ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-010.

Background:

1. On August 15, 2023, the applicant submitted a variance application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., Oct. 14, 2023.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on Oct. 9, 2023.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings of fact that are presented at the public hearing. The Board 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 SEC. 42-64 AND 50-102 (B) (8), **TO APPROVE** FENCE POSTS AND SUPPORTING STRUCTURES AS WELL AS THE ROUGH SIDE OF THE FENCE TO FACE TWO NEIGHBORING PROPERTIES, SUBMITTED BY APPLICANT JOHNNY NELSON, LOCATED AT 1610 WIND WILLOW ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-010.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (8), 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]* FENCE POSTS AND SUPPORTING STRUCTURES AS WELL AS THE ROUGH SIDE OF THE FENCE TO FACE TWO NEIGHBORING PROPERTIES, SUBMITTED BY APPLICANT JOHNNY NELSON, LOCATED AT 1610 WIND WILLOW ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-010.

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

ORIGINAL

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 JOHNNY NELSON	OWNER NEYUA LUTTRELL
ADDRESS 1610 WIND Willow Rd.	PROJECT ADDRESS 1610 WIND Willow Rd.
CONTACT NUMBER 407-579-1363	OWNER'S CONTACT NUMBER
EMAIL JRNelson24@aol.com	OWNER'S EMAIL JRNelson24@aol.com
PARCEL ID# 30-23-30-9330-00-610	
LAND USE CLASSIFICATION Fence	ZONING DISTRICT
SECTION OF THE CODE VARIANCE REQUESTED ON 50-102 (b) (8)	
DETAILED VARIANCE REQUEST To Allow the Rough side of A Fence To Face Both my Neighbors. They BOTH HAVE Existing Fence Up which prevented me From Being Able to NAIL THE BOARDS TO THE FENCE FRAME.	
<ul style="list-style-type: none"> The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within nine (9) months. Further, the requested user does not violate any deed restriction of the property. By applying, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property during reasonable hours to inspect the area to which the application applies. The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies. 	
APPLICANTS SIGNATURE 	OWNER'S SIGNATURE 
<input type="checkbox"/> VARIANCE <input type="checkbox"/> SPECIAL EXCEPTION <input type="checkbox"/> OTHER	P&Z CASE NUMBER 2023-08-01B DATE OF HEARING

Sec. 42-64. - Variances. The Board shall have the power to approve, conditionally approve or deny applications for a variance from the terms of the Land Development Code.

Criteria. The Board shall not approve an application for a variance from terms of the Land Development Code unless and until:

- A 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



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- Development Code or for the purpose of obtaining a variance.
- f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.
- h. The board shall find that the preceding requirements have been met by the applicant for a variance
- b. The Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed. Under no circumstances, except as permitted above, shall the Board grant a variance to allow a use not generally or by special exception allowed in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.
- The Board shall find that the preceding requirements have been met by the applicant for a variance.
- (2) *Violations of conditions.*
- a. In granting any variance, the Board may prescribe appropriate conditions and safeguards to comply with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which

Applications submitted must meet all of the above criteria before the Board can grant a variance. The burden of proof is on the applicant to comply with the criteria.

A special exception addresses the compatibility of uses, differing slightly from a variance. The approval of a special exception depends on how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

1. A written application for a special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
2. The Board shall find that it is empowered under the section of the zoning ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest.
3. It is determined that public health, safety, comfort, order, convenience, prosperity, morals, or general welfare is promoted, protected, or improved.

General Information

1. Certain conditions may be prescribed on the special exception or variance approved by the Board.
2. The applicant must be present at all hearings.
3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period allows all aggrieved parties to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where they feel the Planning and Zoning Board erred in their decision. Belle Isle's City Council will then hold an appeal hearing.
4. Sec 42-61 thru 41-72 - Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

FOR OFFICE USE ONLY:
FEE: \$300

Date Paid

8-15-23 CC 191071737

Check/Cash

Rec'd By

Print Date: 08/12/2023 System Refresh Date: 08/11/2023

1610 Wind Willow Rd 30-23-30-9330-00-010

Name(s):
Luttrell Ronald D
Luttrell Neyva A

Physical Street Address:
1610 Wind Willow Rd

Property Use:
0103 - Single Fam Class III



[Upload Photos](#)

Mailing Address On File:
3833 Appleton Way
Orlando, FL 32806-7113
[Incorrect Mailing Address?](#)

Postal City and Zip:
null, FL 32809

Municipality:
Belle Isle

[View 2022 Property Record Card](#)

[PROPERTY FEATURES](#)

[VALUES, EXEMPTIONS AND TAXES](#)

[SALES](#)

[MARKET STATS](#)

[ALLOCATION](#)

Historical Value and Tax Benefits ⓘ

Tax Year Values	Land	Building(s)	Feature(s)	Market Value	%	Assessed Value	%
2022	\$100,000	\$209,112	\$2,500	\$311,612	12.4%	\$303,053	10.0%
2021	\$90,000	\$184,817	\$2,500	\$277,317	10.7%	\$275,503	10.0%
2020	\$75,000	\$172,957	\$2,500	\$250,457	0.8%	\$250,457	7.9%
2019	\$70,000	\$175,922	\$2,500	\$248,422	N/A	\$232,077	N/A

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH CAP	Tax Savings
2022			\$0		\$84
2021			\$0		\$18
2020			\$0		\$0
2019			\$0		\$161

2022 Taxable Value and Certified Taxes ⓘ

Tax Year

	2021	2020	2019
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Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	%	Taxes	Tax Breakdown
Public Schools: By State Law (Rle)	\$311,612	\$0	\$311,612	3.2140	-7.9%	\$1,001.52	20%
Public Schools: By Local Board	\$311,612	\$0	\$311,612	3.2480	0.0%	\$1,012.12	20%
General County	\$303,053	\$0	\$303,053	4.4347	0.0%	\$1,343.95	27%
City Of Belle Isle	\$303,053	\$0	\$303,053	4.4018	0.0%	\$1,333.98	27%
Library - Operating Budget	\$303,053	\$0	\$303,053	0.3748	0.0%	\$113.58	2%
St Johns Water Management District	\$303,053	\$0	\$303,053	0.1974	-9.8%	\$59.82	1%
Lake Conway Mstu	\$303,053	\$0	\$303,053	0.4107	0.0%	\$124.46	2%
Totals				16.2814		\$4,989.43	

Non-Ad Valorem Assessments

2022 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rates	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - BIGBR - (407)851-7730	1.00	282.00	\$282.00
CITY OF BELLE ISLE	BELLE ISLE STRM - BISTRM - (407)851-7730	1.00	130.00	\$130.00
				\$412.00

2022 Gross Tax Total: \$5,401.43

2022 Tax Savings Tax Savings

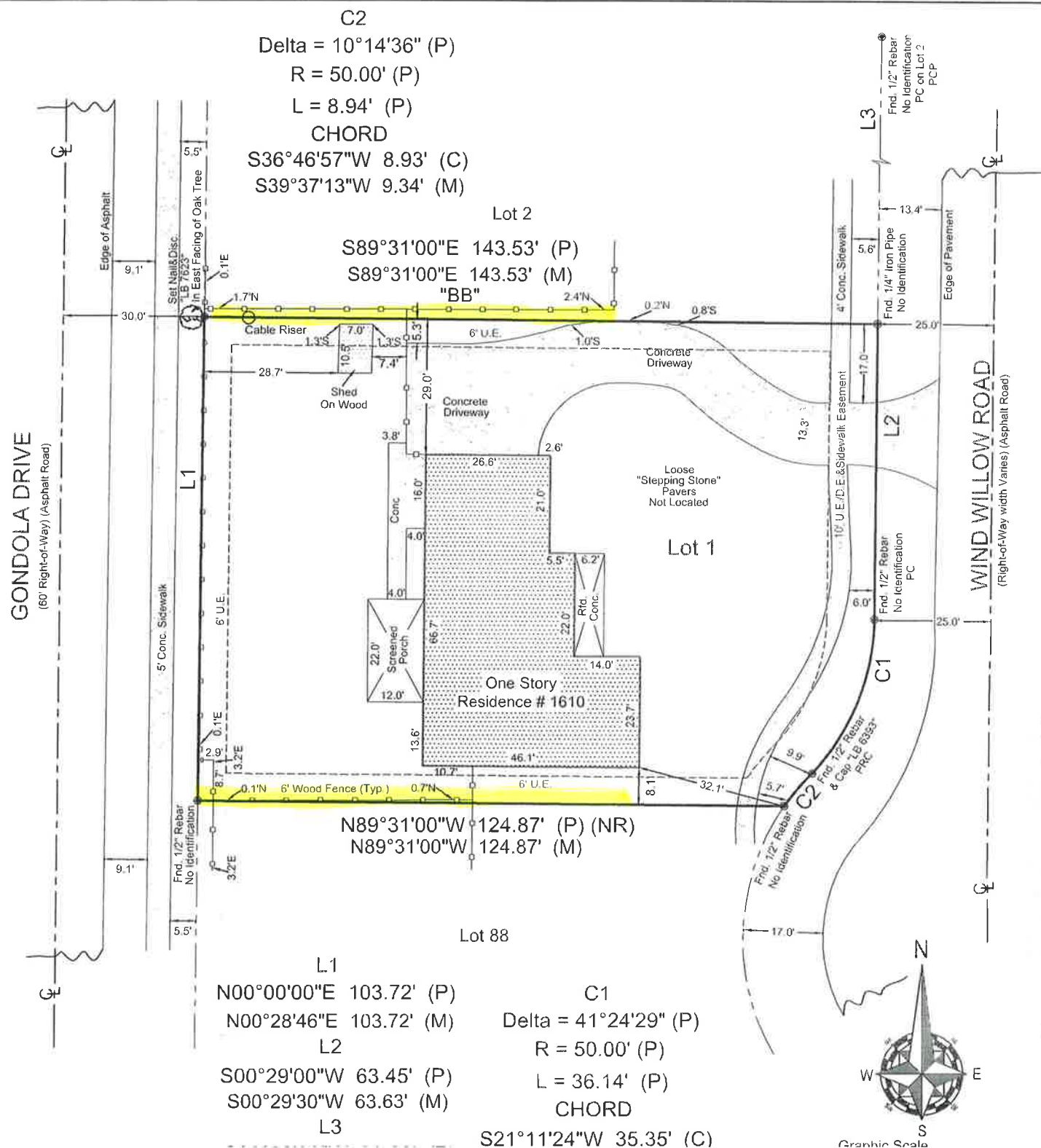
Your taxes without exemptions would be \$5,073.48

LEGAL DESCRIPTION:

FLOOD INFORMATION:

CERTIFIED TO:

JOHNNY NELSON



Hello, I am applying for a variance to allow me to keep my new fence with the rough side facing both of my neighbors. I admit I did not thoroughly read the requirements for installation as required by City Code. I did the construction myself to save some money and used the best available pressure treated wood from Thomas Lumber. My fence on Gondola side was falling apart and both my neighbors fence was in need of repair. Both also have large dogs we were in constant fear of their dogs getting into our yard to attack our small dog. I decided to install a new fence covering all my property. Since both neighbors have existing fence, I could not get behind to nail the boards to the 4x4 and 2x4 fence frame as you can see in the photos. Since both neighbors have their own fence, they can not see my fence. Also both have signed statements saying they do not have a problem with my fence.

Without the variance, I will have to tear the fence down. I would have to construct a new fence at least 2 feet onto my property, leaving a barrier between the neighbors fence. I also can not do this on the north side because of existing trees, tree stumps and irrigation line, as you can see in the photo.

I have also relayed to the neighbors, if they ever decide to tear down their fence I will help pay to put up new pickets using my existing fence frame.

Thank You,

Johnny Nelson

1610 Wind Willow Rd

Belle Isle, FL 32809

Hi, My name is Sean Hughes and I live at 1604 Wind Willow Rd, on the north side of Johnny's house. I have no problem with the rough side of the new fence facing my property since I have my own fence on my property so I can't see his fence. It also is to my benefit that I do not have to install a new fence on this property line.

Sean Hughes

8-13-23

Hi, My name is Vanh Chanthakouman and I live at 1616 Wind Willow Rd, on the south side of Johnny's house. I have no problem with the rough side of the fence facing my property. I also have my own existing fence parallel to Johnny's. It also is to my benefit that I do not have to install a new fence in the future on our property line.

Vanh Chanthakouman

8-13-23

