

MEMORANDUM

TO: Planning and Zoning Board

DATE: May 23, 2023

RE: Variance Application – 7023 Willoughby Lane

Public Hearing #2023-03-015

PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (7), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE EXCEEDING FOUR FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, SUBMITTED BY APPLICANT BROOKE GALLARDO AND JENNA SOTO, LOCATED AT 7023 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-8860-00-370.

Background:

1. On March 8, 2023, the applicants, Brooke Gallardo & Jenna Soto, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, May 13, 2023, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on May 10, 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 SEC. 42-64 AND 50-102 (B) (7), TO APPROVE A FENCE EXCEEDING FOUR FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, SUBMITTED BY APPLICANT BROOKE GALLARDO AND JENNA SOTO, LOCATED AT 7023 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-8860-00-370.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle SEC. 42-64 AND 50-102 (B) (7), the justifying criteria of the Belle Isle Land Development Code, having NOT been met; *[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] TO DENY APPROVAL OF A FENCE EXCEEDING FOUR FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, SUBMITTED BY APPLICANT BROOKE GALLARDO AND JENNA SOTO, LOCATED AT 7023 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-8860-00-370.*

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

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

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

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

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



City of Belle Isle

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

Variance and Special Exception Application

City Code Chapter 42, Art. II, Sec. 41-61 thru 41-72 AND Sec 42-64 Land Development Code

APPLICANT <i>Brooke Gallardo + Jenna Sato</i>	OWNER <i>Brooke Gallardo + Jenna Sato</i>
ADDRESS <i>7023 Willoughby Lane 32812</i>	PROJECT ADDRESS <i>7023 Willoughby Lane 32812</i>
CONTACT NUMBER <i>813-517-7882 + 407-230-4861</i>	OWNER'S CONTACT NUMBER <i>813-517-7882 + 407-230-4861</i>
EMAIL <i>Brooke Gallardo @ Gmail .com</i>	OWNER'S EMAIL <i>Brooke Gallardo @ Gmail .com</i>
PARCEL ID# <i>20-23-30-8860-00-370</i>	
LAND USE CLASSIFICATION	ZONING DISTRICT
SECTION OF THE CODE VARIANCE REQUESTED ON <i>Sec. 50-102 (b) (7)</i>	
DETAILED VARIANCE REQUEST <i>Please see included letter</i>	
<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 <i>B. Gallardo</i>	OWNER'S SIGNATURE <i>B. Gallardo</i>
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION
<input type="checkbox"/> OTHER	P&Z CASE NUMBER <i>2023-03-015</i>
	DATE OF HEARING

Sec. 42-64. - Variance
approve, conditions for a variance from Code.
Criteria. The Board a variance from unless and until:
a. A written form the city may special favor of the the require section of t submission and the app manager's board.

RECEIPT	date <i>3/8/23</i> No. <i>730482</i>					
	received from <i>Brooke Gallardo</i> <i>300.00</i>					
	amount <i>Three hundred dollars</i>					
	for payment of <i>Variance Request</i>					
	<input type="radio"/> cash <input type="radio"/> money order <input type="radio"/> credit card <input checked="" type="radio"/> check # <i>1108</i>					
	<table border="1"> <tr> <td>amount due</td> <td><i>300 00</i></td> </tr> <tr> <td>amount paid</td> <td><i>300 00</i></td> </tr> <tr> <td>balance</td> <td><i>0 00</i></td> </tr> </table>	amount due	<i>300 00</i>	amount paid	<i>300 00</i>	balance
amount due	<i>300 00</i>					
amount paid	<i>300 00</i>					
balance	<i>0 00</i>					

signature *[Signature]*

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neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land





- 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 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	<u>3/8/23</u> Date Paid	<u>1108</u> Check/Cash	<u>Regina Lopez</u> Rec'd By
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Brooke Gallardo & Jenn Soto

7023 Willoughby Lane
Belle Isle, FL 32812
(813) 517-7882 & (407) 230-4861
BrookeGallardo@Gmail.com & Jenna.D.Soto@Gmail.com

March 6th 2023

Planning & Zoning Board

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

Dear Members of the Board,

As new homeowners and new residents of Belle Isle we are happy to be part of such a great community. We are attempting to have a new 6 ft white vinyl fence installed on the sides of our new home in place of the old existing chain link fences; however, during our permitting process we were told we are unable to place our requested fences due to sec. 50-102 (b) (7), which states no fence or wall located within 35 feet of the 86.9 contour line of Lake Conway shall exceed 4 feet in height. We are looking to have the new fence installed within the required setbacks. In this letter we hope to explain the reasons for our request for a variance and hope to answer the questions required in the variance application.

The already existing 4 ft chain link fencing can be seen in submitted pictures 1, 2 & 3. We are requesting a variance for two reasons, the first is regarding our privacy. We unfortunately have found a neighbor staring into our yard on various occasions and find it to be a personal hardship in regards to our privacy. In addition we would also like to have a secure place to store our boat on our property.

The second reason for our variance request is to obstruct our view of our neighbors fence and yard shown in pictures 3-7. The seawall can be seen in picture 3, we would like the higher fence built before the start of the sea wall (marked by arrow) The higher fence will not have a deleterious effect since the neighboring wood fence is also higher than the 4 ft chain link fence, instead the new fencing would show uniformity and would have a harmonious appearance with the adjacent homes and in the neighborhood in general.

Your consideration in granting this request for variance is greatly appreciated.

Sincerely,

Brooke Gallardo & Jenna Soto



Title Survey Services

Professional Land Surveyors

Legal Description:

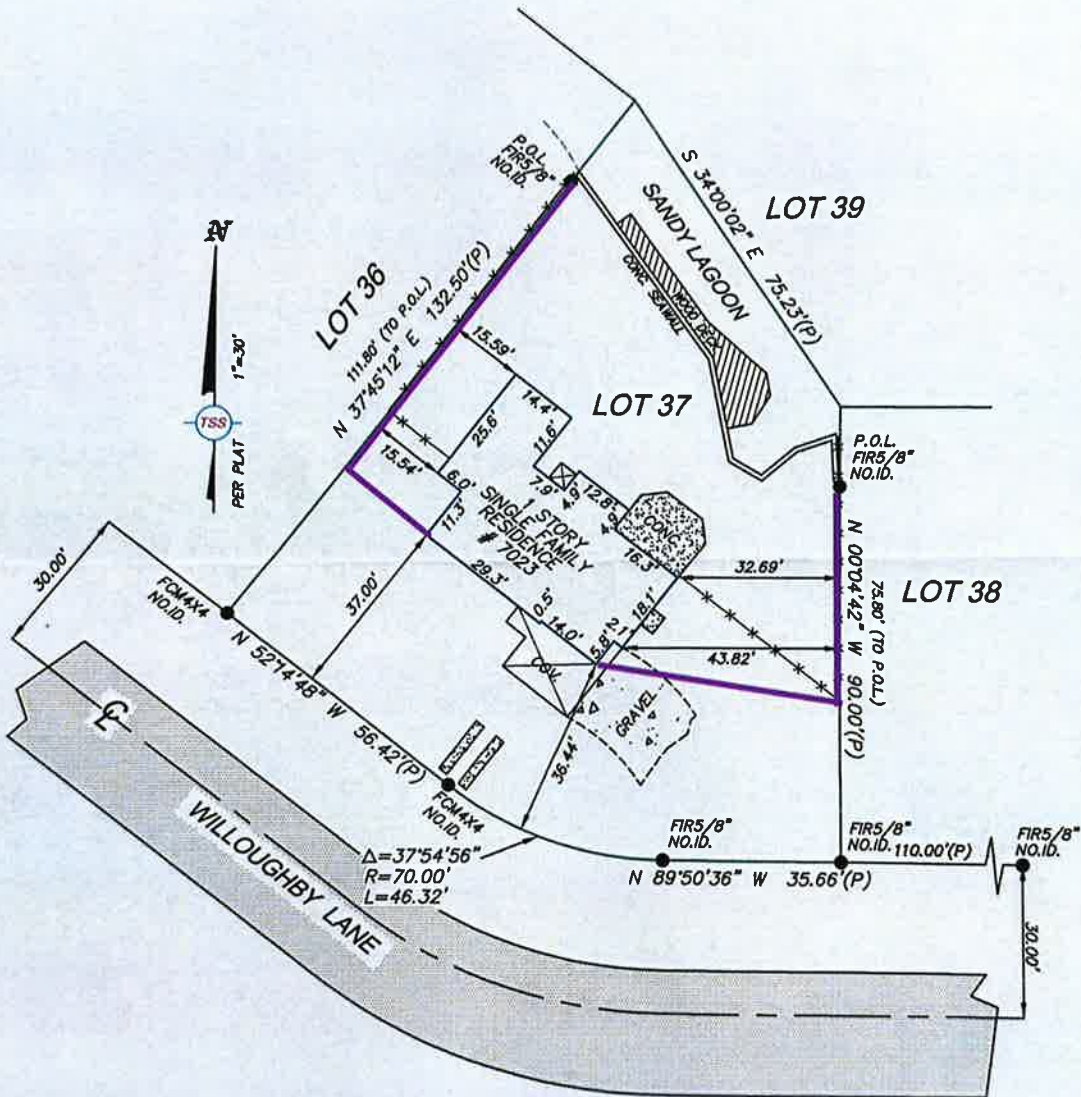
Lot 37, VENETIAN VILLAS, according to the map or plat thereof, as recorded in Plat Book S, Page(s) 69, inclusive, of the Public Records of Orange County, Florida.

Map Number 12095C Panel: 0430

Suffix: C F.I.R.M. Date: 09/25/2009 Flood Zone: X and AE
Date of Survey: 12/30/2022 Completed: 12/30/2022



Boundary Survey



Certified To:
Jenna Soto

Address:
7023 Willoughby Lane
Orlando, FL 32812
File Number # 7023 Willoughby Lane

Proposed
Fence
Height
6 ft

- Notes**
- 1) Survey is Based upon the Legal Description Supplied by Client.
 - 2) Abutting Properties Deeds have **NOT** been Researched for Gaps, Overlaps and/or Hints.
 - 3) Subject to any Easements and/or Restrictions of Record.
 - 4) Building Ties are **NOT** to be used to reconstruct Property Lines.
 - 5) Fence Ownership is **NOT** determined.
 - 6) Roof Overhangs, Underground Utilities and/or Footers have **NOT** been located **UNLESS** otherwise noted.
 - 7) Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Constructed to give ANY Rights or Benefits to Anyone Other than those Certified.
 - 8) Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this endeavor. Title Survey Services and the signing surveyor assume NO Liability for the Accuracy of this Determination.

Legend

CG	• Calculated	PC	• Point of Curvature
CB	• Centerline	PI	• Point of Intersection
CM	• Concrete Block	P.O.B.	• Point of Beginning
Cono.	• Concrete Monument	P.O.L.	• Point on Line
D	• Description	PIP	• Power Pole
DE	• Drainage Easement	PRM	• Permanent Reference Monument
Esm.	• Easement	PT	• Point of Tangency
F.E.M.A.	• Federal Emergency Management Agency	R	• Radius
FPE	• Finished Floor Elevation	R&C	• Rebar & Cap
Fnd.	• Found	Rep.	• Recovered
IP	• Iron Pipe	RIE	• Rooted
L	• Length (Arc)	R/W	• Right of way
M	• Measured	Set	• Set 1/2" Rebar & Cap PBM 6023
N&D	• Nail & Disk	Rebar	• Rebar
N.R.	• Non-Radial	Typ.	• Typical
ORB	• Official Records Book	UE	• Utility Easement
P	• Plat	WM	• Water Meter
P.B.	• Plat Book	Δ	• Delta (Central Angle)
-//-	• Wood / PVC Fence	⊖	• Chain Link Fence
PE	• Pool Equipment		

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 54-05.172 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

Nicholas S. Frazzitta FOR THE FIRM

Nicholas S. Frazzitta, P.S.M. #5828
This Survey is intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.



Title Survey Services

Professional Land Surveyors

1823 New York Avenue
St. Cloud, FL 34769

www.titlesurveyservices.com

Office-321-263-9933 Email: titlesurveys@gmail.com

If you own and occupy property as your primary residence as of January 1, 2023, you may qualify for an exemption. The deadline to file a 2023 exemption application is March 1, 2023.

[Click Here To Apply for Homestead and Other Exemptions Online](#)

Print Date: 03/07/2023 System Refresh Date: 03/06/2023

7023 Willoughby Ln 20-23-30-8860-00-370

Name(s): Soto Jenna
Gallardo Brooke
Physical Street Address: 7023 Willoughby Ln
Property Use: 0131 - Sfr - Canal Front

Mailing Address On File: 7023 Willoughby Ln
Belle Isle, FL 32812-3735
Postal City and Zip: Orlando, FL 32812
Municipality: Belle Isle

[Incorrect Mailing Address?](#)



[Upload Photos](#)

[View 2022 Property Record Card](#)

[PROPERTY FEATURES](#)

[VALUES, EXEMPTIONS AND TAXES](#)

[SALES](#)

[MARKET STATS](#)

[LOCATION](#)

Historical Value and Tax Benefits ⓘ

Has Homestead in 2023

Tax Year Values	Land	Building(s)	Feature(s)	Market Value	%	Assessed Value	%
2022 <input type="checkbox"/> <input type="checkbox"/>	\$216,000	\$41,485	\$5,000	\$262,485	20.3%	\$262,485	43.6%
2021 <input type="checkbox"/> <input type="checkbox"/>	\$180,000	\$33,246	\$5,000	\$218,246	29.7%	\$182,817	10.0%
2020 <input type="checkbox"/> <input type="checkbox"/>	\$130,000	\$33,246	\$5,000	\$168,246	11.4%	\$166,197	10.0%
2019 <input type="checkbox"/> <input type="checkbox"/>	\$95,000	\$51,088	\$5,000	\$151,088	N/A	\$151,088	N/A

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH CAP	Tax Savings
2022 <input type="checkbox"/>			\$0		\$0
2021 <input type="checkbox"/> <input type="checkbox"/>			\$0		\$349
2020 <input type="checkbox"/> <input type="checkbox"/>			\$0		\$20
2019 <input type="checkbox"/>			\$0		\$0

2022 Taxable Value and Certified Taxes ⓘ

Tax Year

2022	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)	\$262,485	\$0	\$262,485	3.2140	-7.9%	\$843.63	20%
Public Schools: By Local Board	\$262,485	\$0	\$262,485	3.2480	0.0%	\$852.55	20%
General County	\$262,485	\$0	\$262,485	4.4347	0.0%	\$1,164.04	27%
City Of Belle Isle	\$262,485	\$0	\$262,485	4.4018	0.0%	\$1,155.41	27%
Library - Operating Budget	\$262,485	\$0	\$262,485	0.3748	0.0%	\$98.38	2%
St Johns Water Management District	\$262,485	\$0	\$262,485	0.1974	-9.8%	\$51.81	1%
Lake Conway Mstu	\$262,485	\$0	\$262,485	0.4107	0.0%	\$107.80	3%
Totals				16.2814		\$4,273.62	

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: \$4,685.62

2022 Tax Savings Tax Savings













