

# MEMORANDUM

**TO:** Planning and Zoning Board

**DATE:** September 24, 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), 50-102 (B) (5) (B), AND 50-102 (B) (16), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON THE REQUESTED VARIANCE TO ALLOW A LANDSCAPE WALL FIVE FEET AND FOUR INCHES IN HEIGHT WITH AN ORNAMENTAL FENCE FIVE FEET IN HEIGHT INSTALLED ON TOP OF THE PROPOSED WALL, ALLOWING FOR A COMBINED MAXIMUM WALL AND FENCE HEIGHT OF 10 FEET AND FOUR INCHES ON THE VACANT PROPERTY ABUTTING THE CITY RIGHT OF WAY, CONTRARY TO THE CITY'S REQUIRED MAXIMUM FENCE AND WALL 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) AND 50-102 (B) (16), **TO APPROVE** A VARIANCE TO ALLOW A LANDSCAPE WALL FIVE FEET AND FOUR INCHES IN HEIGHT WITH AN ORNAMENTAL FENCE FIVE FEET IN HEIGHT INSTALLED ON TOP OF THE PROPOSED WALL, ALLOWING FOR A COMBINED MAXIMUM WALL AND FENCE HEIGHT OF 10 FEET AND FOUR INCHES ON THE VACANT PROPERTY ABUTTING THE CITY RIGHT OF WAY, CONTRARY TO THE CITY'S REQUIRED MAXIMUM FENCE AND WALL 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]* VARIANCE TO ALLOW A LANDSCAPE WALL FIVE FEET AND FOUR INCHES IN HEIGHT WITH AN ORNAMENTAL FENCE FIVE FEET IN HEIGHT INSTALLED ON TOP OF THE PROPOSED WALL, ALLOWING FOR A COMBINED MAXIMUM WALL AND FENCE HEIGHT OF 10 FEET AND FOUR INCHES ON THE VACANT PROPERTY ABUTTING THE CITY RIGHT OF WAY, CONTRARY TO THE CITY'S REQUIRED MAXIMUM FENCE AND WALL 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.