



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

September 11, 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), 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.

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

Background

The applicant seeks to build a landscape wall along the property's side lot line, which abuts the City right-of-way along Nela Avenue. The property is currently vacant, except for a pre-existing 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. This section further states that a fence height is limited to either 6-feet or 8-feet, with the letters of consent from the adjoining property owners within 50-feet of the fence or wall.

The homeowners seek to construct a landscape wall before or during the construction of their new single-family residence. The proposed landscape wall abutting Nela Avenue has a maximum peak height of ten feet and four inches. The design features a masonry wall of a maximum height of five feet and four inches with a five-foot aluminum railing fence installed on top of the wall. As detailed on the MRC building sheet, the fence extends 127 feet and four inches abutting the City right-of-way. From its peak height, the masonry wall steps down one foot and four inches for every 31 feet and three inches in four sections (as depicted in the variance packet).

The homeowners have met with the City to discuss plans for the city-owned right-of-way, ensuring city staff maintain access around and underneath the Nela Bridge for routine maintenance and alongside the residential property. The homeowners have provided the City a conceptual plan for planting new vegetation in the city right-of-way along Nela Avenue at their expense in cooperation with the city and

abiding by the applicable permit process for final approval by staff. The applicant has provided a copy of the conceptual landscape plan for the city right-of-way in their permit packet.

Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below.

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 and 50-102(B)(16), city staff recommends that the Board not approve the requested variance to build a wall at a maximum height of ten feet and four inches as the request is a self-created hardship and does not meet the purpose and intent of the city's land development 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.