



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

2022-07-031

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	Urban Perch	OWNER	Mark Jones, Jessica Jones
ADDRESS	976 Lake Baldwin Ln, Suite 102, Orlando	PROJECT ADDRESS	2520 Homewood Dr.
CONTACT NUMBER	407-269-4620	OWNER'S CONTACT NUMBER	407-376-6397
EMAIL	pedro@urbanperchhomes.com	OWNER'S EMAIL	majones@icloud.com
PARCEL ID#	19-23-30-5888-06-122		
LAND USE CLASSIFICATION	Residential	ZONING DISTRICT	R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON 50-102 (b) (5)			
DETAILED VARIANCE REQUEST To allow a low (16" to 24") CMU wall in front of the main residence structure in order to retain the earth from the new drainfield mound from coming onto the circular driveway. See attached narrative letter.			
<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.			
APPLICANT'S SIGNATURE		OWNER'S SIGNATURE	
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	P&Z CASE NUMBER
			2022 07 031
			DATE OF HEARING
			July 26, 2022

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

7/1/22

Check/Cash

CR. 1969

Rec'd By

YDZ



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ABOUT YOUR PUBLIC HEARING

The following information is provided to assist applicants in applying for a variance, special exception, or use determination. Please familiarize yourself with the process by visiting

The City of Belle Isle's Planning and Zoning Board, which comprises seven (7) non-paid volunteer residents, meets on the fourth Tuesday of the month to hear various planning and zoning issues, including variances, special exceptions, and use determinations. In recommending approval or denial of a request, the Board looks at each application individually to determine if the request meets the following criteria:

A written application for a **variance must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month.** The application **MUST** include:

- the \$300 filing fee,
- a completed application form,
- proof of ownership of the property, or a notarized statement from the owner with the representative's information,
- Ten (10) copies of a plot plan or survey showing all improvements to the property, ten copies of a scale drawing of the planned construction, illustrated on the survey, and digital format for large-scale documents is required.
- For boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- A narrative addressing how the variance complies with the following:**

*Standards of Variance Justification	Section 42-64 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a separate typed or a written document and submit it to the City as part of your variance request.
Special Conditions and/or Circumstances Section 42-64 (1) d	The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship. That 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. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?
Not-Self- Created Section 42-64 (1) e	The applicant must prove that the special conditions and circumstances do not result from the applicant's actions. A personal (self-created) hardship shall not justify a variance; i.e., when the applicant creates the alleged hardship, they are not entitled to relief by their conduct. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?
Minimum Possible Variance Section 42-64 (1) f	The applicant must prove that the zoning variance is the minimum variance that will make the reasonable use of the land, building, or structure possible. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.
Purpose and Intent Section 42-64 (1) g	The applicant must prove that approval of the zoning variance will be in harmony with the general purpose and intent of the Code, and such zoning variance will not be injurious to the neighborhood, not detrimental to public welfare, and not contrary to the public interest. WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE, ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC).

***For a variance application from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, and you do not have to comply with Sec. 42-64 (1) d and (1) f.**

06-30-22

Regarding: Narrative Letter for Variance Application
Jones Residence
2520 Homewood Dr, Belle Isle, Florida
Parcel #: 19-23-30-5888-06-122

To: City of Belle Isle Planning and Zoning
ATTN: P&Z Board



email: kevin@ksarchitect.net
cell: (386) 405 - 8322
office: (386) 314 - 0044
website: ksarchitect.net
145 Canal Street,
New Smyrna Beach, FL, 32186

Mark and Jessica Jones, the owners of 2520 Homewood Dr., are requesting a variance to allow a low (16" to 24") CMU wall in front of the main residence structure in order to retain the drainfield mound from the circular driveway.

To prevent storm water from entering the house, the circular driveway needs to be lower than the house slab elevation and the drainfield is required to be elevated, therefore a retaining wall is necessary. This low cmu retaining wall is only 16" to 24" tall and matches the mid century architectural genre of the original house.

Mark and Jessica Jones purchased this house because of their appreciation for mid-century modern architecture which typically incorporates low planter walls throughout the site, as seen in the original design and addition. In turn, this low wall would contribute to the Mid-Century modern architectural vernacular. From the street view, the wall will only be 8" and 16" tall and delineates a separation between the drainfield and the guest parking on-site.

We appreciate your consideration for this variance request which we believe is of minimal impact from the roadside and a necessary functional response between the elevated drainfield, circular driveway and garage slab elevation.

Thank you,

Kevin Schweizer, AIA
AR0013154
kevin@ksarchitect.net

07-01-22

Regarding: Narrative Letter for Variance Application
Jones Residence
2520 Homewood Dr, Belle Isle, Florida
Parcel #: 19-23-30-5888-06-122

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Mark and Jessica Jones, the owners of 2520 Homewood Dr., are requesting a variance to allow a low (16" to 24") CMU wall in front of the main residence structure in order to retain the drainfield mound from the circular driveway.

See answers to narrative letter questions below:

1.) WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?

This project involves a renovation/addition of an existing 1965 Mid Century Modern Home that is located in an area that does not have access to city sewer and therefore has a septic/drainfield system. The addition required the relocation of the septic tank and drainfield from the lakefront site to the front yard. This is a better solution for the quality of the lake and provides easier access to maintain the septic system.

2.) HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?

Given the need to upgrade the existing plumbing/septic system to accommodate the additional plumbing loads the septic system had to be relocated. With limited available area on the lakeside yard we relocated the new septic tank and drainfield on the front of the property to minimize the environmental impact on the lake and take advantage of the space we had in the front

Given the placement of the drainfield in the front of the house, the circular driveway has to be placed around it. To prevent storm water from entering the house, the circular driveway needs to be lower than the house slab elevation and the drainfield is required to be elevated, therefore a retaining wall is necessary. This low masonry retaining wall is only 16" to 24" tall and matches the mid century architectural genre of the original house.

3.) CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY?

LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.

The only alternative we can foresee is to have the drainfield moved to the rear yard which would eliminate the need for the low wall around the driveway. This is not feasible due to the adequate available area to keep the larger septic tank and larger drainfield at an appropriate distance from the lake.

4.)WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE, ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC).

From the street view, the wall will only be 8" and 16" tall and delineates a separation between the drainfield and the guest parking on-site. We believe this low wall is of minimal impact from the roadside and a necessary functional response between the elevated drainfield, circular driveway and garage slab elevation. Furthermore, the circular driveway allows for an optimal circulation in and out of the property which in turn enhances the vehicular traffic on Homewood Drive. By delineating the guest parking on site, all the parking for the owners and visitors will be contained on site which would remove the need to park on the street.

Furthermore, Mark and Jessica Jones purchased this house because of their appreciation for mid-century modern architecture which typically incorporates low planter walls throughout the site, as seen in the original design and addition. In turn, this low wall would contribute to the Mid-Century modern architectural vernacular.

We appreciate your consideration for this variance request which we believe is of minimal impact from the roadside and a necessary functional response between the elevated drainfield, circular driveway and garage slab elevation.

Thank you,



Kevin Schweizer, AIA
AR0013154
kevin@ksarchitect.net

Property Record - 19-23-30-5888-06-122

Orange County Property Appraiser • <http://www.ocpafl.org>

Property Summary

Property Name

2520 Homewood Dr

Names

Jones Mark Allen
Jones Jessica M

Municipality

BI - Belle Isle

Property Use

0130 - Sfr - Lake Front

Mailing Address

2520 Homewood Dr
Belle Isle, FL 32809-6111

Physical Address

2520 Homewood Dr
Orlando, FL 32809

QR Code For Mobile Phone



302319588806122 09/29/2006



Value and Taxes

Historical Value and Tax Benefits

Tax Year Values

		Land	Building(s)	Feature(s)	Market Value	Assessed Value
2021	W MKT	\$425,000	+	\$267,685	+	\$17,750 = \$710,435 (6.4%)
2020	W MKT	\$370,000	+	\$272,274	+	\$25,250 = \$667,524 (7.8%)
2019	W MKT	\$345,000	+	\$249,187	+	\$25,250 = \$619,437 (2.0%)
2018	W MKT	\$345,000	+	\$236,776	+	\$25,250 = \$607,026
						\$392,471

Tax Year Benefits

		Original Homestead	Additional Hx	Other Exemptions	SOH Cap	Tax Savings
2021	W	n/a	n/a	n/a	n/a	\$0
2020	W	n/a	n/a	n/a	n/a	\$0
2019	W	n/a	n/a	n/a	n/a	\$0
2018	W HX CAP	\$25,000	\$25,000	\$500	\$214,555	\$4,370

2021 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	\$710,435	\$0	\$710,435	3.4890 (-3.33%)	\$2,478.71	21 %
Public Schools: By Local Board	\$710,435	\$0	\$710,435	3.2480 (0.00%)	\$2,307.49	20 %
Orange County (General)	\$710,435	\$0	\$710,435	4.4347 (0.00%)	\$3,150.57	27 %
City Of Belle Isle	\$710,435	\$0	\$710,435	4.4018 (0.00%)	\$3,127.19	27 %
Library - Operating Budget	\$710,435	\$0	\$710,435	0.3748 (0.00%)	\$266.27	2 %
St Johns Water Management District	\$710,435	\$0	\$710,435	0.2287 (0.00%)	\$162.48	1 %
Lake Conway Mstu	\$710,435	\$0	\$710,435	0.4107 (0.00%)	\$291.78	2 %
				16.5877	\$11,784.49	

2021 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - GARBAGE - (407)851-7730	1.00	\$260.40	\$260.40
CITY OF BELLE ISLE	BELLE ISLE STRM - DRAINAGE - (407)851-7730	1.00	\$125.00	\$125.00
				\$385.40

Property Features

Property Description

NELA ISLE (ISLAND SECTION) 0/99 W 8 FT OF LOT 12 LOT 13 & E 25 FT OF LOT 14 & LAND ON S TO WATERS OF LAKE BLK F

Total Land Area

29,598 sqft (+/-)

0.68 acres (+/-)

GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0130 - Sfr - Lake Front	R-1-AA	1 LOT(S)	\$425,000.00	\$425,000	\$0.00	\$425,000

Buildings

Model Code	01 - Single Fam Residence	Subarea Description	Sqft	Value
Type Code	0104 - Single Fam Class IV	BAS - Base Area	2118	\$282,012
Building Value	\$267,685	FSP - F/Scr Prch	578	\$26,896
Estimated New Cost	\$382,407	FST - Fin Storge	108	\$7,190
Actual Year Built	1966	FUS - F/Up Story	435	\$49,266
Beds	4	PTO - Patio	32	\$266
Baths	3.5	UCP - Unf Carprt	468	\$12,516
Floors	2	UOP - Unf O Prch	138	\$2,796
Gross Area	3902 sqft	UST - Unf Storag	25	\$1,465
Living Area	2553 sqft			
Exterior Wall	Conc/Cindr			
Interior Wall	Plastered			

**Extra Features**

Description	Date Built	Units	Unit Price	XFOB Value
BD3 - Boat Dock 3	01/01/1966	1 Unit(s)	\$10,000.00	\$10,000
PT1 - Patio 1	01/01/1966	1 Unit(s)	\$1,000.00	\$1,000
BC3 - Boat Cover 3	01/01/1983	1 Unit(s)	\$6,000.00	\$6,000
WLCB - Wall Cb	01/01/1983	50 Unit(s)	\$15.00	\$750

Sales**Sales History**

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
07/02/2018	\$695,000	20180400084	/	Warranty Deed	Bernstein Ruth Shmunes	Jones Mark Allen Jones Jessica M	Improved



145 CANAL STREET
NEW SMYRNA BEACH, FL 32168

**ADDITION AND REMODEL TO:
JONES RESIDENCE**

WILS M. SCHWEIZER ORIGINAL - 196
2520 HOMEWOOD DRIVE,
BELLE ISLE, FLORIDA 32809

VARIANCE
APPLICATION SITE
PLAN

JUNE 30, 2022



SITE PLAN

ALL IDEAS, DESIGNS, PLANS AND ARRANGEMENTS INDICATED ON THIS SHEET ARE THE PROPERTY OF KEVIN SCHWEITZER ARCHITECT, AND WERE CREATED, EVOLVED AND DEVELOPED FOR THIS SPECIFIC PROJECT.



FRONT ELEVATION OF PROPERTY



FRONT VIEW OF LOW WALL



EAST VIEW OF LOW WALL



WEST VIEW OF LOW WALL