



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

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

2024-09-008

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	Chardice Mostafa		OWNER	Yuvael Romero Chardice Mostafa
ADDRESS	5208 Duicoll Ct		PROJECT ADDRESS	5208 Duicoll Ct Belle Isle
CONTACT NUMBER	407530.7116		OWNER'S CONTACT NUMBER	407530 7116
EMAIL	cmustafa.30@icloud.com		OWNER'S EMAIL	cmustafa.30@icloud.com
PARCEL ID#				
LAND USE CLASSIFICATION			ZONING DISTRICT	
SECTION OF THE CODE VARIANCE REQUESTED ON				50-102B
DETAILED VARIANCE REQUEST				We are requesting permission to install 8 feet fence and also to install pavers with the 3 feet.
<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	DATE OF HEARING
			2024-09-008	

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. 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.

- b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- c. 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.
- d. 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.
- e. 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	9/9/24	180	
	Date Paid	Check/Cash	Rec'd By



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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:

- a. the \$300 filing fee,
- b. a completed application form,
- c. proof of ownership of the property, or a notarized statement from the owner with the representative's information,
- d. 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.
- e. For boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- f. **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.**

Date: 9/7/2024

To:

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

Subject: Variance Request for 5208 Driscoll Ct, Belle Isle, FL

Dear Members of the Board,

I am writing to formally request three variances for my property located at 5208 Driscoll Ct, Belle Isle, FL. The variances requested are as follows:

Variance 1:

We are requesting permission to install an 8-foot fence along the northern side of the property. Our neighbor at 5200 Driscoll Ct has made it very clear that they are uncomfortable with our presence, frequently calling both the city and the police to make false complaints. These include claims of illegal construction and unjustified accusations of loud music, which the police have verified were not accurate. To prevent further conflict and maintain privacy, we believe an 8-foot fence is necessary.

Variance 2:

Our family owns a 28-foot center console boat, which we need to park on the north side of the property, behind the gate. The boat and trailer require a driveway that is at least 10 feet wide and extends 50 feet to accommodate the trailer's dimensions. Installing pavers in this area is crucial due to the weight of the boat and trailer, as a solid surface is needed for safe parking and maneuvering. The current grass surface is inadequate for this purpose.

Variance 3:

We are also requesting permission to install pavers within the 3-foot setback on the north side, behind the gate. This is necessary to allow the boat trailer, which is 10 feet wide, to fit and maneuver safely in the designated area. The extra width provided by the pavers will ensure the trailer can be parked properly without causing any issues.

Please find the attached site plan detailing the proposed changes for your review.

We appreciate your consideration of these requests and believe these modifications will improve the functionality and privacy of our property, while also resolving ongoing concerns with our neighbor.

Thank you for your time and attention to this matter. Please feel free to contact me at 407 530-7116, should you need any further information.

Sincerely,

Claudia Mustafa
5208 Driscoll Ct
Belle Isle, FL 32812
cmustafa30@icloud.com

DOC # 20240470226

08/13/2024 11:35 AM Page 1 of 2

Rec Fee: \$18.50

Deed Doc Tax: \$4,725.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

Prepared by and Return To:

Brenda Chesher
Fidelity National Title of Florida, Inc.
7208 W. Sand Lake Rd, Suite 102
Orlando, FL 32819

Order No.: 29-24-0313

For Documentary Stamp Tax purposes the consideration is \$675,000.00

Doc Stamp: \$4,725.00

APN/Parcel ID(s): 20-23-30-1222-00020

WARRANTY DEED

THIS WARRANTY DEED dated August 9, 2024, by Beverly Jane Smithwick, a single woman, Individually and as Trustee under the provisions of an unrecorded trust agreement known as the Beverly Jane Smithwick Revocable Trust, dated the 21st day of May, 1991, as the same may from time to time be amended, hereinafter called the grantor, to Yarcel Romero Llanes and Claudia Mustafa, husband and wife, whose post office address is 5208 Driscoll Ct, Belle Isle, FL 32812, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Orange, State of Florida, to wit:

Lot 2, Castles at the Lake, according to the map or plat thereof, as recorded in Plat Book 22, Page(s) 27, of the Public Records of Orange County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2023.





