

## MEMORANDUM

TO: Planning and Zoning Board

DATE: August 27, 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), AND 50-102 (B) (5) (B), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON THE REQUESTED VARIANCES TO ALLOW TWO WALLS ALONG EACH SIDE OF THE UNDEVELOPED PROPERTY, AND ALLOW ONE WALL TO BE TEN FEET IN HEIGHT INSTEAD OF THE REQUIRED MAXIMUM 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), **TO APPROVE** TWO WALLS ALONG EACH SIDE OF THE UNDEVELOPED PROPERTY, AND ALLOW ONE WALL TO BE TEN FEET IN HEIGHT INSTEAD OF THE REQUIRED MAXIMUM 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]* TWO WALLS ALONG EACH SIDE OF THE UNDEVELOPED PROPERTY, AND ALLOW ONE WALL TO BE TEN FEET IN HEIGHT INSTEAD OF THE REQUIRED MAXIMUM 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

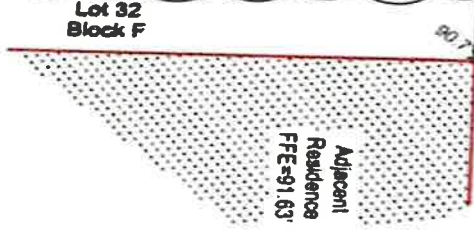
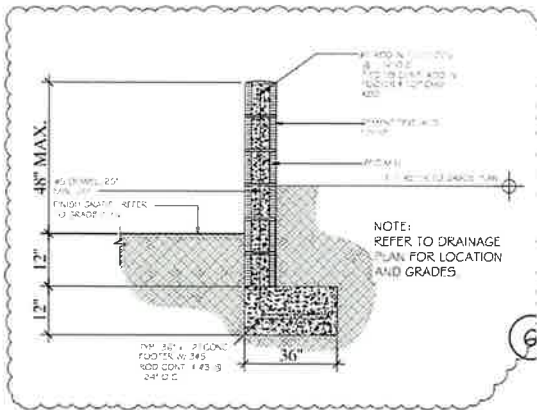
Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

**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.





5 RETAINING WALL (TYP)  
1/4" = 1'-0"



# 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	Jose Pinto		OWNER	Jose and Elizete Pinto
ADDRESS	1221 Mabbette St., Kissimmee, FL 34741		PROJECT ADDRESS	2104 Homewood Dr. 32809
CONTACT NUMBER	407-468-9193		OWNER'S CONTACT NUMBER	407-468-9193
EMAIL	jpp@prestigecontractorservices.com		OWNER'S EMAIL	jpp@prestigecontractorservices.com
PARCEL ID#	19-23-30-5888-06-330			
LAND USE CLASSIFICATION	Residential	ZONING DISTRICT		
SECTION OF THE CODE VARIANCE REQUESTED ON				
50-102(B)				
DETAILED VARIANCE REQUEST We would like to build a landscape wall to help with erosion, & provide a safety barrier between the yard & main road, Nela Ave. We would also like to build a retention wall on the neighboring side to help with drainage needs				
<ul style="list-style-type: none"> <li>• 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.</li> <li>• By applying, I authorize City of Belle Isle employees and members of the P&amp;Z Board to enter my property during reasonable hours to inspect the area to which the application applies.</li> <li>• 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.</li> </ul>				
APPLICANT'S SIGNATURE			OWNER'S SIGNATURE	
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	P&Z CASE NUMBER	DATE OF HEARING
			2024-06-048	8/27/24

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

Revised 08/13/2024

Owners: Jose and Elizete Pinto  
Property Address: 2104 Homewood Dr. Belle Isle, Florida 32809

Fence/Wall Permit – Variance

**1. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY?**

**Landscape Wall:** I believe our situation is unique because our lot is located on the corner of a main road (Nela Ave.) which has a lot of traffic. For this reason, we would like to build the landscape wall for privacy, safety, and protection from erosion.

**Neighboring Wall:** Our neighbor's elevation is lower than ours which creates specific drainage needs.

**2. WHAT WOULD BE THE UNNECESSARY HARDSHIP?**

**Landscape Wall & Neighboring Wall:** Without the landscape wall and neighboring retention wall, it could cause erosion between the homes and the right of way.

**3. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?**

The special conditions were created when the community was developed. The main road (Nela Ave.) was built at a higher elevation than the lot and the neighboring home was built at a lower elevation. Special conditions were not done by owners Jose and Elizete Pinto. The street and lot were already built before purchasing.

**4. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY?**

No, a landscape and retention wall would be the best possible way to create a safer yard space from the main road (Nela Ave.) and stop erosion from happening to both our home and the neighboring home.

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

There is no other alternative.

**5. 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).**

**Landscape Wall:** I don't believe the building of a landscape wall will affect the surrounding area since we are a corner lot and we are not requesting for the wall to meet the corner crossroads (Nela Ave. and Homewood Dr.). This will allow the corner to be visible to cars turning onto Homewood dr. from Nela Ave. or Visevirsa.

**Neighboring Wall:** Approval of this retention wall won't negatively affect the neighboring property. We believe it will benefit them by preventing stormwater runoff from going to their lot.

**6. Proposed Height?**

**Landscape Wall:** The overall height of the metal fence will not exceed the 8 feet restriction. Per the plans provided the landscape wall at the beginning point (closest to the water/bridge) will be 8 feet with the fence installed on top. In this first section, most of the wall will be buried as we will fill it with soil to level it with the right-away side. The landscape wall will mostly be visible from our side and not the cities.

**Neighboring Wall:** Height will be 48" Max (details on D-1)



Amy Mercado  
Orange County  
Property Appraiser

OCA Lobby Open  
by Appointment

Click Here To  
Book Appointment



Certification of  
Excellence in  
Assessment  
Administration

QUICK SEARCHES

SPY/ADVANCED SEARCHES

RESULTS

PROPERTY CARDS

TSP CARDS

Parcel 19-23-30-5888-06-330 X

Print Date: 06/24/2024 System Refresh Date: 06/23/2024



Previous



Next



Print



Map



Street



Birdseye



Tools



Port



Estimate



Taxes



FEMA



Plat



Sketch



Share



Favorite

## 2104 Homewood Dr 19-23-30-5888-06-330

Name(s):  
PINTO ELIZETE O  
PINTO JOSE

Physical Street Address:  
2104 Homewood Dr

Property Use:  
0001 - Vacant Residential

Mailing Address On File:  
1221 Mabbette St Apt A  
Kissimmee, FL 34741-5500  
Incorrect Mailing Address?

Postal City and Zip:  
Belle Isle, FL 32809

Municipality:  
Belle Isle



2104 HOMWOOD DR BELLE ISLE, FL 32809 19-23-30-5888-06-330

Upload Photos

[View 2023 Property Record Card](#)

PROPERTY FEATURES

VALUES, EXEMPTIONS AND TAXES

SALES

MARKET STATS

LOCATION

**2024 Values will be available in August of 2024. To see the certified values, go to the Values, Exemptions and Taxes Tab.**

[View Plat](#)

### Property Description

NELA ISLE (ISLAND SECTION) 0/99 LOT 33 BLK F & LAND TO WATERS OF LAKE

Total Land Area

GIS Calculated

Notice

31,307 sqft. (+/-) | 0.72 acres (+/-)

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0001 - Vacant Residential	R-1-AA	1 LOT(S)	Working Value...	Working Value...	Working Value...	Working Value...

1

Page 1 of 1 (Total Records: 1)

### Building

There are no buildings associated to this parcel.

### Extra Features

Description	Date Built	Units	Xfob Value
Shed - Shed	01/01/2005	1 Unit(s)	Working Value...

1

Page 1 of 1 (Total Records: 1)

Daniel Botyos  
Variance for fence  
Dec 27, 2023 at 12:28:46 PM  
epinto@prestigecontractorservices.com

Good afternoon Elizete, it was a pleasure meeting you today and welcome to the neighborhood. We reside at 2224 Homewood Dr. and would support your request for a variance to fence your property. When I moved here in 2011 and our property had an existing fence grandfathered in, we did not realize how much of a blessing it is for the safety of our pets and children. The additional security a fence will provide for your property would be another feature a homeowner would want as your property is in a high traffic area for boats and pedestrians. We hope your variance request is approved and wish you and your family a happy holiday! Thank you, Daniel Botyos.

Sent from my iPhone

Dave Jordan [epinto@prestigecontractorservices.com](mailto:epinto@prestigecontractorservices.com)

Variance fence request

Dec 28, 2023 at 9:25:12 AM

[epinto@prestigecontractorservices.com](mailto:epinto@prestigecontractorservices.com)

Elizete,

I met you guys at Brandon's Christas Party(arm in a sling guy 😊). My next door neighbor Dan and Stacey said you guys were looking at a variance for a fence for your lot. I'm the peach color house at 2230 Homewood and I will also support your need for a variance. Let me know if you need anymore info. I look forward to you guys getting everything going. I sent your husband all of my info couple weeks ago but let me know if you need help with this or anything else.

Thanks,

Dave Jordan

2230 Homewood Dr

407-466-4325

[Dave@orlandopubcrawl.com](mailto:Dave@orlandopubcrawl.com)

Lisa Davis [lisa03@gmail.com](mailto:lisa03@gmail.com)

New Neighbor

Dec 28, 2023 at 8:24:26 PM

[epinto@prestigecontractorservices.com](mailto:epinto@prestigecontractorservices.com)

Hello Elizete,

First, welcome to the the neighborhood! Both Colleen and Danny explained your fencing scenario to me and gave me your information. I don't have any issues with you fencing in your yard, and hope you are able to easily get the variance. Please let me know if need anything else.

Kindly,

Lisa Davis

2103 Homewood Drive

407-470-6322

---



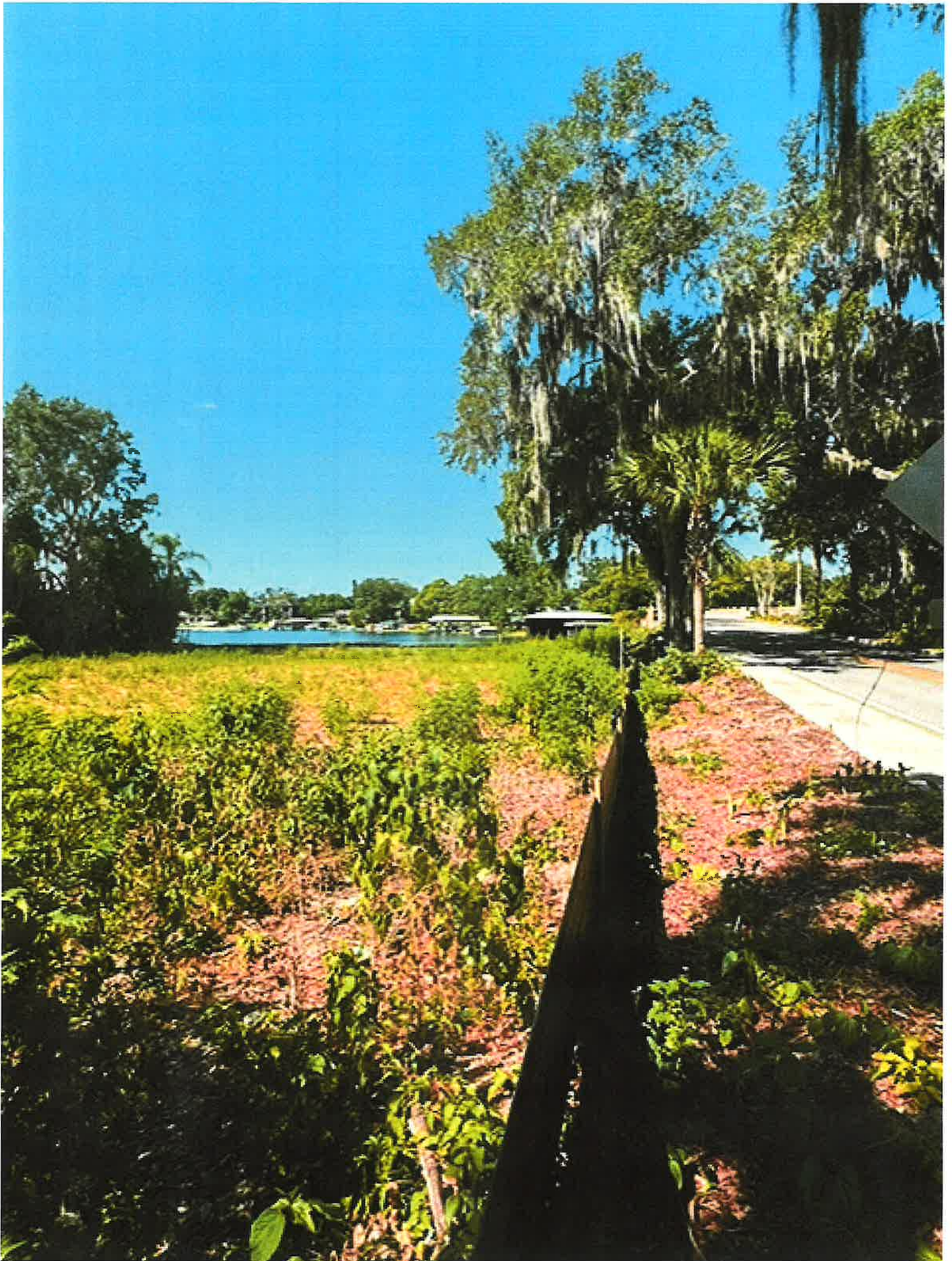
Dear Belle Isle Leadership,

I am the homeowner of 2112 Homewood Drive. I am writing this letter to inform you that I approve Jose Pinto's proposal to install an iron fence around his property. If I can be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,

Brandon Carr  
2112 Homewood Drive  
Belle Isle, FL 32809

(407) 362-8453











**IMPERVIOUS TABULATIONS**

Lot Area	30645 SF
House incl Pool /Fire pit	8316 SF
Total Driveway/Concrete	2300 SF
Total Impervious	10616 SF
Percentage Impervious	34.6 %

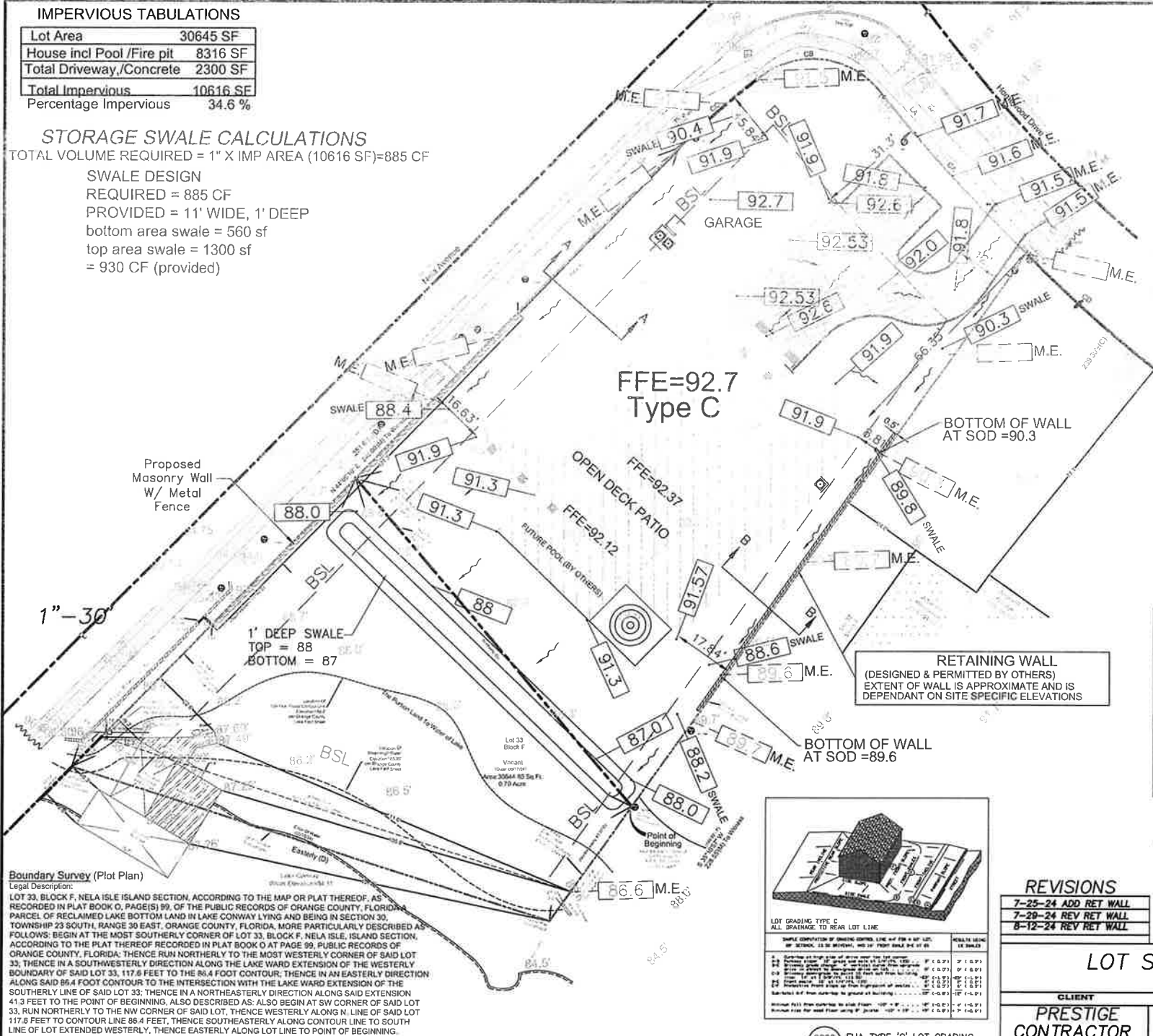
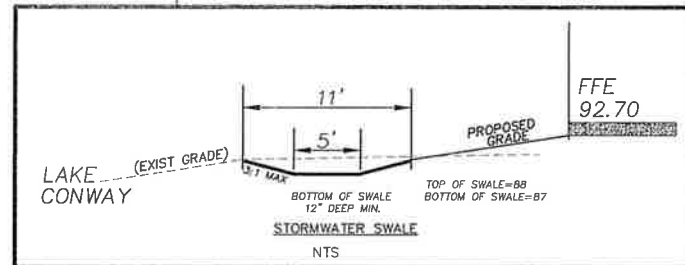
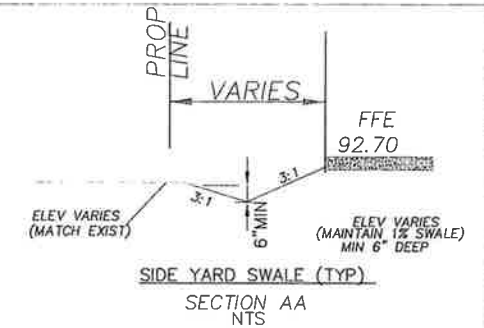
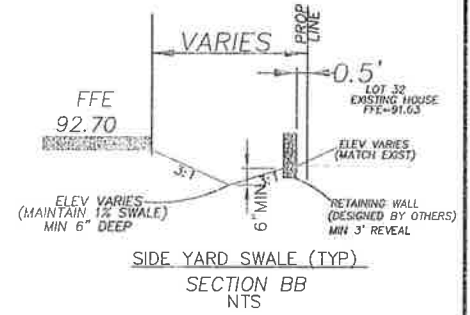
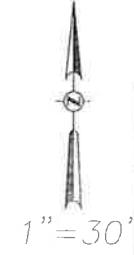
**STORAGE SWALE CALCULATIONS**

TOTAL VOLUME REQUIRED = 1" X IMP AREA (10616 SF)=885 CF

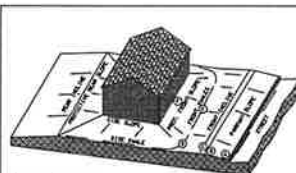
SWALE DESIGN  
 REQUIRED = 885 CF  
 PROVIDED = 11' WIDE, 1' DEEP  
 bottom area swale = 560 sf  
 top area swale = 1300 sf  
 = 930 CF (provided)

**BUILDING SETBACKS**

FRONT 30'  
 SIDE 7.5' / 15'  
 REAR 25'



RETAINING WALL  
 (DESIGNED & PERMITTED BY OTHERS)  
 EXTENT OF WALL IS APPROXIMATE AND IS  
 DEPENDANT ON SITE SPECIFIC ELEVATIONS



LOT GRADING TYPE C		ALL DRAINAGE TO REAR LOT LINE	
1	Spot Grades	2	Proposed Spot Grades
3	Match Existing Interpolated Grades	4	Existing Interpolated Grades
5	Proposed Spot Grades	6	Existing Interpolated Grades
7	Match Existing Interpolated Grades	8	Existing Interpolated Grades
9	Proposed Spot Grades	10	Existing Interpolated Grades
11	Match Existing Interpolated Grades	12	Existing Interpolated Grades
13	Proposed Spot Grades	14	Existing Interpolated Grades
15	Match Existing Interpolated Grades	16	Existing Interpolated Grades
17	Proposed Spot Grades	18	Existing Interpolated Grades
19	Match Existing Interpolated Grades	20	Existing Interpolated Grades
21	Proposed Spot Grades	22	Existing Interpolated Grades
23	Match Existing Interpolated Grades	24	Existing Interpolated Grades
25	Proposed Spot Grades	26	Existing Interpolated Grades
27	Match Existing Interpolated Grades	28	Existing Interpolated Grades
29	Proposed Spot Grades	30	Existing Interpolated Grades
31	Match Existing Interpolated Grades	32	Existing Interpolated Grades
33	Proposed Spot Grades	34	Existing Interpolated Grades
35	Match Existing Interpolated Grades	36	Existing Interpolated Grades
37	Proposed Spot Grades	38	Existing Interpolated Grades
39	Match Existing Interpolated Grades	40	Existing Interpolated Grades
41	Proposed Spot Grades	42	Existing Interpolated Grades
43	Match Existing Interpolated Grades	44	Existing Interpolated Grades
45	Proposed Spot Grades	46	Existing Interpolated Grades
47	Match Existing Interpolated Grades	48	Existing Interpolated Grades
49	Proposed Spot Grades	50	Existing Interpolated Grades
51	Match Existing Interpolated Grades	52	Existing Interpolated Grades
53	Proposed Spot Grades	54	Existing Interpolated Grades
55	Match Existing Interpolated Grades	56	Existing Interpolated Grades
57	Proposed Spot Grades	58	Existing Interpolated Grades
59	Match Existing Interpolated Grades	60	Existing Interpolated Grades
61	Proposed Spot Grades	62	Existing Interpolated Grades
63	Match Existing Interpolated Grades	64	Existing Interpolated Grades
65	Proposed Spot Grades	66	Existing Interpolated Grades
67	Match Existing Interpolated Grades	68	Existing Interpolated Grades
69	Proposed Spot Grades	70	Existing Interpolated Grades
71	Match Existing Interpolated Grades	72	Existing Interpolated Grades
73	Proposed Spot Grades	74	Existing Interpolated Grades
75	Match Existing Interpolated Grades	76	Existing Interpolated Grades
77	Proposed Spot Grades	78	Existing Interpolated Grades
79	Match Existing Interpolated Grades	80	Existing Interpolated Grades
81	Proposed Spot Grades	82	Existing Interpolated Grades
83	Match Existing Interpolated Grades	84	Existing Interpolated Grades
85	Proposed Spot Grades	86	Existing Interpolated Grades
87	Match Existing Interpolated Grades	88	Existing Interpolated Grades
89	Proposed Spot Grades	90	Existing Interpolated Grades
91	Match Existing Interpolated Grades	92	Existing Interpolated Grades
93	Proposed Spot Grades	94	Existing Interpolated Grades
95	Match Existing Interpolated Grades	96	Existing Interpolated Grades
97	Proposed Spot Grades	98	Existing Interpolated Grades
99	Match Existing Interpolated Grades	100	Existing Interpolated Grades

**REVISIONS**

7-25-24	ADD RET WALL
7-29-24	REV RET WALL
8-12-24	REV RET WALL

- LEGEND**
- DRAINAGE FLOW
  - PROPOSED SPOT GRADES (BY CYCORP)
  - MATCH EXISTING INTERPOLATED GRADE (CYCORP)
  - SPOT GRADES ( TAKEN FROM SURVEY)
  - EXISTING INTERPOLATED GRADES (BY CYCORP)

**LOT SITE/ GRADING PLAN**

**CLIENT**  
 PRESTIGE CONTRACTOR SERVICES

**LOCATION**  
 2104 HOMEWOOD DR  
 ORANGE COUNTY

**Boundary Survey (Plot Plan)**  
 Legal Description:  
 LOT 33, BLOCK F, NELA ISLE ISLAND SECTION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK O, PAGE(S) 99, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; PARCEL OF RECLAIMED LAKE BOTTOM LAND IN LAKE CONWAY LYING AND BEING IN SECTION 30, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE MOST SOUTHERLY CORNER OF LOT 33, BLOCK F, NELA ISLE, ISLAND SECTION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK O AT PAGE 99, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTHERLY TO THE MOST WESTERLY CORNER OF SAID LOT 33, THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE LAKE WARD EXTENSION OF THE WESTERLY BOUNDARY OF SAID LOT 33, 117.6 FEET TO THE 86.4 FOOT CONTOUR; THENCE IN AN EASTERLY DIRECTION ALONG SAID 86.4 FOOT CONTOUR TO THE INTERSECTION WITH THE LAKE WARD EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 33; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID EXTENSION 41.3 FEET TO THE POINT OF BEGINNING, ALSO DESCRIBED AS: ALSO BEGIN AT SW CORNER OF SAID LOT 33, RUN NORTHERLY TO THE NW CORNER OF SAID LOT, THENCE WESTERLY ALONG N. LINE OF SAID LOT 117.6 FEET TO CONTOUR LINE 86.4 FEET, THENCE SOUTHEASTERLY ALONG CONTOUR LINE TO SOUTH LINE OF LOT EXTENDED WESTERLY, THENCE EASTERLY ALONG LOT LINE TO POINT OF BEGINNING.

**CYCORP ENGINEERING INC.**  
 CA 30526

**CIVIL ENGINEERS LAND PLANNERS**

KIM FISCHER, P.E. #56942 #12/2024  
 1614 White Dove Drive  
 Winter Springs, Florida 32708  
 Tel: (407) 405-7819