

## MEMORANDUM

**TO:** Planning and Zoning Board

**DATE:** December 11, 2024

**RE:** Variance Application – 5208 Driscoll Court

P&Z Case Number 2024-09-008: PURSUANT TO SECTION 50-102 (B) (5), 50-102 (B) (16), 30-133 (D) (3), 30-133 (E) (3), AND 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE EIGHT FEET IN HEIGHT ALONG THE NORTHERNLY SIDE YARD LOT LINE WITHOUT THE WRITTEN CONSENT OF ALL THE PROPERTY OWNERS WITHIN 50 FEET OF THE PROPOSED FENCE INSTALLATION, AND A REQUESTED VARIANCE TO ALLOW A FRONT YARD DRIVEWAY WITHIN THREE FEET OF THE NORTHERNLY SIDE LOT LINE AND ALLOW THE FRONT EDGE OF THE PREPARED SURFACE LESS THAN FIVE FEET FROM THE PAVED SIDEWALK CONTRARY TO THE CITY CRITERIA FOR PARKING ON A PREPARED SURFACE IN A RESIDENTIAL AREA, SUBMITTED BY APPLICANT CLAUDIA MUSTAFA, LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020

### Background:

1. On September 9, 2024, the applicant submitted a Variance application and the required paperwork.
2. On October 11, 2024, letters to the abutting property owners were mailed within 300 feet of the subject property, and a Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on October 12, 2024.
3. On October 22, 2024, the Board moved to continue discussions and placed conditions for review.
4. On November 21, 2024, letters to the abutting property owners were mailed within 300 feet of the subject property, and a Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on November 30, 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), 50-102 (B) (16), 30-133 (D) (3), 30-133 (E) (3) **TO APPROVE** A FENCE EIGHT FEET IN HEIGHT ALONG THE NORTHERNLY SIDE YARD LOT LINE WITHOUT THE WRITTEN CONSENT OF ALL THE PROPERTY OWNERS WITHIN 50 FEET OF THE PROPOSED FENCE INSTALLATION, AND A REQUESTED VARIANCE TO ALLOW A FRONT YARD DRIVEWAY WITHIN THREE FEET OF THE NORTHERNLY SIDE LOT LINE AND ALLOW THE FRONT EDGE OF THE PREPARED SURFACE LESS THAN FIVE FEET FROM THE PAVED SIDEWALK CONTRARY TO THE CITY CRITERIA FOR PARKING ON A PREPARED SURFACE IN A RESIDENTIAL AREA, SUBMITTED BY APPLICANT CLAUDIA MUSTAFA, LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020

### SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE 42-64 50-102 (B) (5), 50-102 (B) (16), 30-133 (D) (3), 30-133 (E) (3), 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]* A FENCE EIGHT FEET IN HEIGHT ALONG THE NORTHERNLY SIDE YARD LOT LINE WITHOUT THE WRITTEN CONSENT OF ALL THE PROPERTY OWNERS WITHIN 50 FEET OF THE PROPOSED FENCE INSTALLATION, AND A REQUESTED VARIANCE TO ALLOW A FRONT YARD DRIVEWAY WITHIN THREE FEET OF THE NORTHERNLY SIDE LOT LINE AND ALLOW THE FRONT EDGE OF THE PREPARED SURFACE LESS THAN FIVE FEET FROM THE PAVED SIDEWALK CONTRARY TO THE CITY CRITERIA FOR PARKING ON A PREPARED SURFACE IN A RESIDENTIAL AREA, SUBMITTED BY APPLICANT CLAUDIA MUSTAFA, LOCATED AT 5208 DRISCOLL COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 20-23-30-1222-00-020

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

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**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.