



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	Chris Heath	OWNER	Chris Heath
ADDRESS	5818 Labelle St, Belle Isle	PROJECT ADDRESS	2120 Hornewood Dr Belle Isle
CONTACT NUMBER	321-229-0772	OWNER'S CONTACT NUMBER	321-229-0772
EMAIL	cmheath33@yahoo.com	OWNER'S EMAIL	cmheath33@yahoo.com
PARCEL ID#	19-23-30-5888-06-310		
LAND USE CLASSIFICATION	Residential	ZONING DISTRICT	
SECTION OF THE CODE VARIANCE REQUESTED ON	50-102		
DETAILED VARIANCE REQUEST 1) Install 5' fence down property line to RHWL without step-down to 4' w/in 35' of RHWL (to also satisfy pool code) 2) Install 2 columns (2.5' x 6' tall) on each side of driveway			
<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 checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> OTHER	P&Z CASE NUMBER 2023-03-034
		DATE OF HEARING 4/25/2023	

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.

the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the Board's discretion, such variance may be revoked for violation of the condition and safeguards.

- 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	<u>2/24/23</u> Date Paid	<u>5073</u> Check/Cash	<u>L. Simons</u> Rec'd By
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2120 Homewood

If you own and occupy property as your primary residence as of January 1, 2023, you may qualify for an exemption. The deadline to file a 2023 exemption application is March 1, 2023.

Click Here To Apply for Homestead and Other Exemptions Online



Amy Mercado
Orange County
Property Appraiser

OCPA Lobby Open by Appointment Only

Click Here To
Book Appointment



QUICK SEARCHES



TPP/ADVANCED SEARCHES



RESULTS



PROPERTY CARDS



TPP CARDS

Parcel 19-23-30-5888-06-310 X

Print Date: 02/24/2023 System Refresh Date: 02/22/2023



Previous



Next



Print



Map



Street



Birdseye



Trim



Port



Estimate



Taxes



FEMA



Plat



Sketch



Share



Favorite

2120 Homewood Dr 19-23-30-5888-06-310

Name(s):

Heath Christopher
Kovacova Zuzana

Physical Street Address:

2120 Homewood Dr

Property Use:

0030 - Vacant Water

Mailing Address On File:

5818 Labelle St

Belle Isle, FL 32809-3545

Incorrect Mailing Address?

Postal City and Zip:

Orlando, FL 32809

Municipality:

Belle Isle



2120-HOMEWOOD DR, BELLE ISLE, FL 32809 1/17/2023 11:12 AM

Upload Photos

Applicant: Chris Heath

Address: 2120 Homewood Dr, Belle Isle, FL 32809

To whom it may concern,

This variance request is for 2 independent requests. The house located at 2120 Homewood Dr is under construction as a new residence with estimated completion sometime in April or May, 2023.

Request 1: This house has an exterior swimming pool that will NOT have a pool enclosure/screen. As such, I will be required to install a fence down the property lines to the lake for safety reasons that meet pool code. Zoning code also specifies that fences should not exceed 4' tall within the first 35' of the NHWL from the lake (can go higher after the 35' mark). Upon consultation with neighbors on both sides of the property (see letters attached), they prefer an aluminum fence design with a double-top rail. If I install this type of fence, it would not meet pool code at only 4' tall. The neighbors have stated they would prefer a 5' tall fence the entire length to match the look of an existing fence on their property (on the other side). Both neighbors have also agreed they would like a gate located in the backyard so we can access each other's yard. This request in essence is to run the 5' tall fence the entire length (without the step down at the 35' mark from the NHWL) as well as adding the gates between the properties that would satisfy pool code (latch a certain height from the ground). General description of the proposed fence location and fence profile is attached.

Special Conditions: Satisfy pool code and a fence design that has been requested by the neighbors (for which the code is to protect)

Not-Self Created: This is a request to satisfy both the pool code/safety as well as aesthetic design requested by neighbors

Minimum Possible Variance: The only way to better satisfy would be to use a non-double top rail within 35' of NHWL (to satisfy pool code), then increase the fence height with different design at the 35' mark. This is NOT preferred by the neighbors.

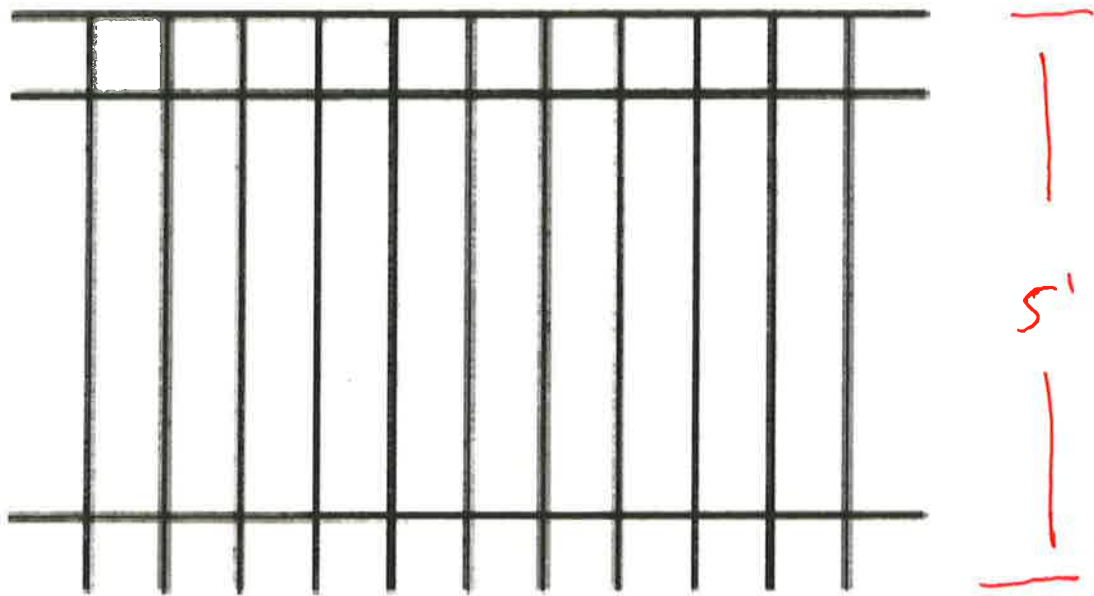
Purpose and Intent: Satisfy pool code and neighbors request for fence design.

Request 2: This request is simply to put to concrete/block columns in the front yard on each side of the driveway (not a gate or fence). This is purely for aesthetics and to display the house number. The size of this would not exceed 2.5' x 2.5' x 6' tall, and would be set outside the easement from the sidewalk area. This request is consistent with what other neighbors in the general area have done for their house. Again, this request is completely for aesthetics of the house.

Thank you,

Chris Heath

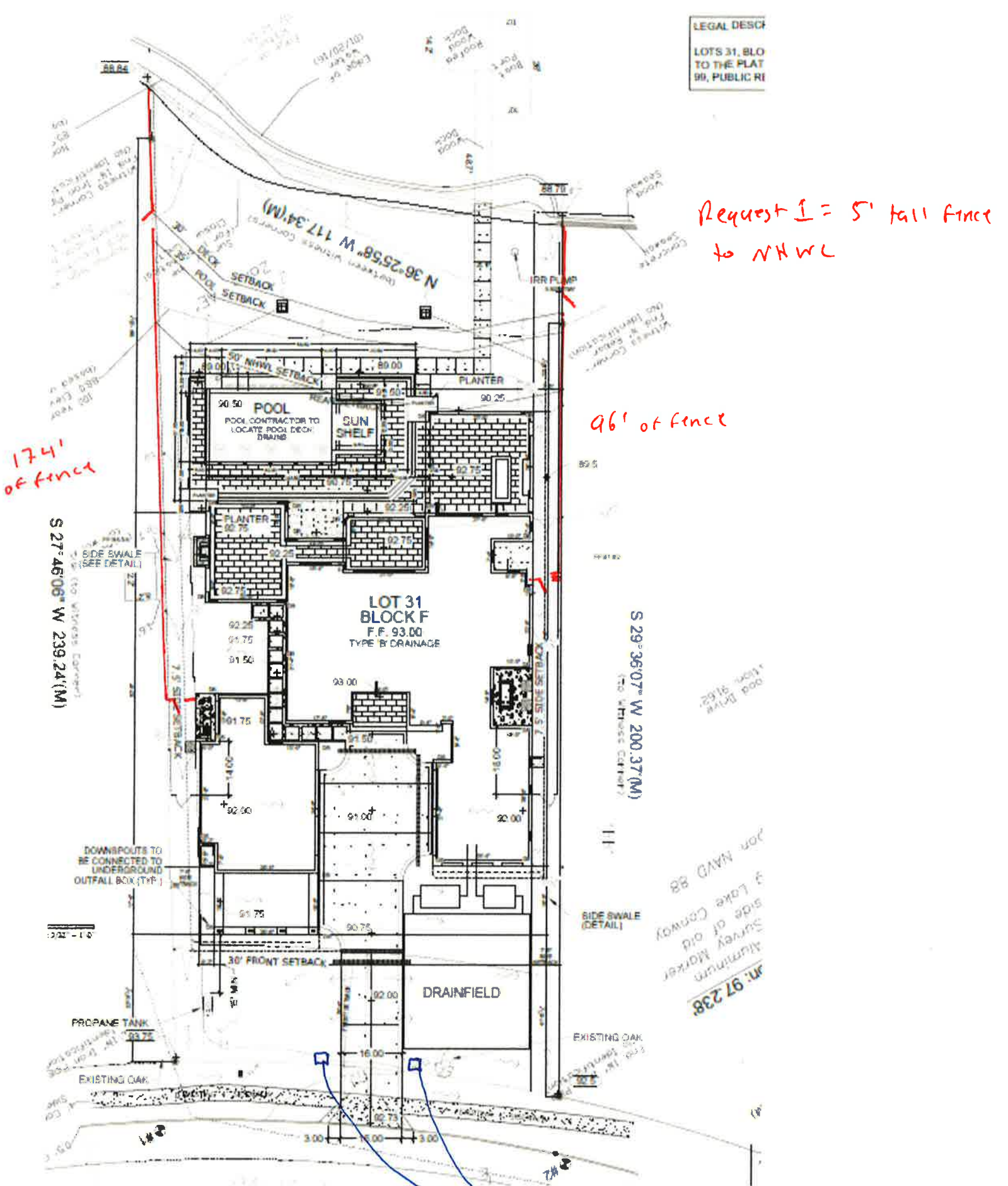
2120 Homewood



proposed fence design + height

(Black Aluminum)

LEGAL DESC
LOTS 31, BLO
TO THE PLAT
99, PUBLIC RI



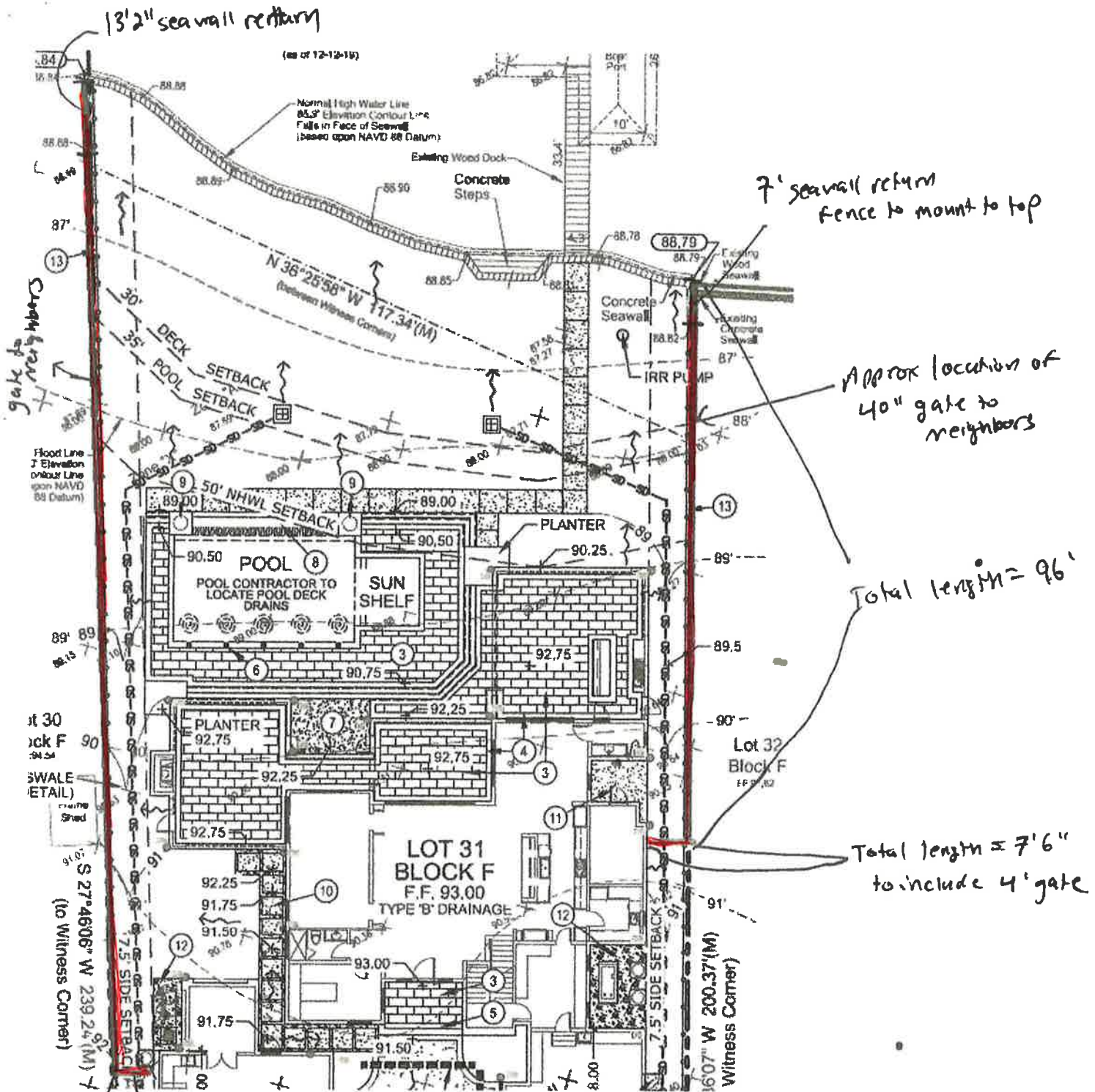
Request 1 = 5' tall fence to NW/WSL

96' of fence

174' of fence

Request 2 = 2 decorative columns not to exceed 2-5' x 2-5' x 6'

Aluminum Survey Marker
Side of old Lake Convey
Don NAWD 88
JN: 97.238

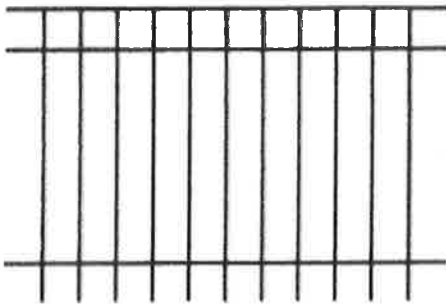


2120 Homewood

I, Colleen O'Connell, am the property owner at 2206 Homewood Dr. This property is neighbors with, and immediately south of Chris Heath residence at 2120 Homewood Dr.

I am aware of the COBI fence requirements of no more than 4' high within 35ft of the NHL where it can go higher after that. I am supportive of Chris Heath installing a consistent fence (5' high) the entire length between our houses using a fence with the profile shown below. Chris approached me with various fencing options and this is the preferred route by me as the fence will keep a consistent look with the existing fence on the other side of my hard.

I am also supportive of Chris installing a gate in the fence within the back yard area to allow cross access between the fence/properties.



Colleen O'Connell

Colleen O 'Connell

2/23/23

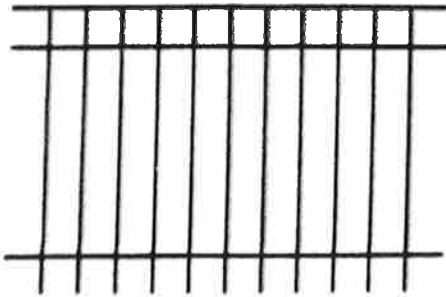
Date

2120 Homewood

I, Brandon Carr, am the property owner at 2112 Homewood Dr. This property is neighbors with, and immediately north of Chris Heath residence at 2120 Homewood Dr.

I am aware of the COBI fence requirements of no more than 4' high within 35ft of the NHWL where it can go higher after that. I am supportive of Chris Heath installing a consistent fence (5' high) the entire length between our houses using a fence with the profile shown below.

I am also supportive of Chris installing a gate in the fence within the back yard area to allow cross access between the fence/properties.



BC —

Brandon Carr

2/23/23

Date

2120 Homewood



