





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 Perry J Wilson	OWNER Perry J Wilson
ADDRESS 2411 Nela Ave, Belle Isle, FL 32809	PROJECT ADDRESS 2411 Nela Ave, Belle Isle, FL 32809
CONTACT NUMBER 407 346 6249	OWNER'S CONTACT NUMBER 407 346 6249
EMAIL Perryjwilson@yahoo.com	OWNER'S EMAIL Perryjwilson@yahoo.com
PARCEL ID# 19-23-30-5888-03-210	
LAND USE CLASSIFICATION Residential	ZONING DISTRICT R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON Sec. 50-102 (b) Fences and walls	
DETAILED VARIANCE REQUEST Requesting the allowance of and 80' In. x 3' tall white vinyl fence to be placed along the back and right side of my septic mound.	
<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 2022-12-031
	DATE OF HEARING

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.

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(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

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.

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

Check/Cash

Rec'd By

12-16-22

CC126211664

[Signature]



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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.

Special Conditions or Circumstances Section 42-64 (1) d:

The special conditions were brought forth by the high-water table, the environmental department code for my specific size drain field and the home itself being too close to the drain field. My specific drain field is currently the tallest in Belle Isle to my knowledge. It has a very large and difficult to manage slope and as a result of settlement over the past year in a half, the mound slope facing the house and the right side of the mound started showing signs of shifting sand, missing grass, and humps in the front yard closest to the house.

Not Self-Created Section 42-64 (1) e:

The construction of 2411 Nela Ave 32809 was a permitted project with Universal Engineering. The septic system was a part of the permitting process, and the final result is the existing drain field in the front yard in question.

Minimum Possible Variance Section 42-64 (1) f:

I supplied the plans, which are signed and sealed, for a block retaining wall. I modified the measurements to show the measurements for a vinyl fence, *NOT ACTING as a retaining wall*, but placed at the end of the slope of the drain field. The fence was the minimum variance possible to control future erosion of the slope. The wall was the most aggressive action; any and all bushes or plants would not keep the issue of moving sediment controlled and the larger the plant, tree, or bush, the greater the issues with rooting affecting the field. The space between the fence and the slope was backfilled with topsoil and pea gravel and grass was placed on top.

Purpose and Intent Section 42-64 (1) g:

The addition of this 3-foot fence around the BACK of my very large septic mound poses NO negative effect to my adjacent neighbors or surrounding neighborhood. Quite the contrary, I have provided letters showing overwhelming approval of the fence and new design of plants and bushes in the front of the mound. The fence is in harmony with the home on the property and is mostly hidden from the front view. The purpose of the fence is to create harmony between this beautiful home and the septic field. To assist with a clear and definitive pathway between the house and the field that is safe for both entities. This look was a careful design for this Belle Isle home. The aesthetics and design contribute to the overall curb appeal of the home and property for the community.



CITY OF BELLE ISLE, FLORIDA

CERTIFICATE OF COMPLETION

Date Issued: **September 16, 2021**
PERMIT#: **2020-12-044**
Name of Owner: **Wilson, Perry James**

Certificate of Completion for the property located at 2411 Nela Avenue, Belle Isle, FL 32809, Parcel #19-23-30-5888-03-210. This property has been approved for use as a Single Family Residence/R-3.

The edition of the code which the permit was issued:
The use and occupancy, in accordance with the provisions of Chapter 3:

The type of construction as defined in Chapter 6:
The design occupant load:
A description of the portion of the structure for which issued
If an automatic fire sprinkler system required:
Is an automatic fire sprinkler system installed:
Any special stipulations/conditions of the building permit:

2017 Florida Building Code 6th Edition
Construction of an addition to an existing SFR,
remodel and roof
V-B
NA - SFR
Construction of an addition + new roof
No
No
No

This structure as defined by the scope of the permit listed above has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

It is unlawful to use this property except in the manner for which this certificate is intended. This Certificate provides that the above described property may lawfully be used in the manner for which it was intended and all inspections have been completed and satisfied by the City of Belle Isle Contract Building Official.

R. Kenneth Derick, Building Official
Date: 9/16/21

2411 Nela Ave - Certificate of Completion is attached

From: Susan Manchester (smanchester@universalengineering.com)

To: perryjwilson@yahoo.com

Cc: CobiPermits@universalengineering.com

Date: Thursday, September 16, 2021 at 04:02 PM EDT

Hi Perry,

The Certificate of Completion is attached. It was really nice working with you. Frank and I wish that all our customers were as nice, smart and cooperative as you are! Our jobs would be Heaven, lol.



Thank you,

Susan Manchester
Permit Administration for the City of Belle Isle
Building Inspections and Code Compliance Department

3532 Maggie Blvd
Orlando, FL 32811
p 407-423-0504 Ext 23309 | f 407-423-3106



2411 Nela Ave, Certificate of Completion, 2020-12-044.pdf
1000.2kB

Fence letter

From: Drew Dickson (landscapeunique@gmail.com)

To: perryjwilson@yahoo.com

Date: Monday, December 12, 2022 at 11:16 AM EST

To whom it may concern,

The fence around the mound helps make curb appeal much more pleasant than the 'hump' standing alone. We are direct neighbors to the property in discussion and think the property looks much nicer now than it was before.

Drew Dickson

2419 nela Ave, Belle Isle, FL 32809

Fence letter

From: peportier (peportier@aol.com)

To: perryjwilson@yahoo.com

Date: Sunday, December 11, 2022 at 01:21 PM EST

To whom it may concern,

I've been asked to comment on my neighbor across Nela on my opinion of how he has dealt with the code of Belle Isle and his drainage field.

I personally think his relentless efforts to add good character to his home and the improvement of the look of the intrusive hump in his front yard is commendable. His driving interest is to continue to improve the look and value of the City of Belle Isle.

I, as his neighbor and friend, have no issue in the least of improvements Perry has done at anytime to his property. My opinion is that I trust his judgment.

Paul Portier
2410 Nela Avenue.

Sent from my Verizon, Samsung Galaxy smartphone

fence

From: Andrew Reiff (areiff3566@aol.com)

To: perryjwilson@yahoo.com

Date: Tuesday, December 13, 2022 at 08:45 PM EST

I am Perry Wilson's next door neighbor. My wife and I approve the fence that Perry put up in his front yard. We appreciate that Perry has taken the time and effort to address the mound.

Andy Reiff
2403 Nela Ave
Orlando FL 32809

Note about your new fence and landscape

From: Debbie Proctor (dproctor@brph.com)

To: perryjwilson@yahoo.com

Date: Tuesday, December 13, 2022 at 12:41 PM EST

Hi Perry,

This is Debbie, your neighbor down the street in Belle Isle. I just wanted to send a quick note to let you know that your new landscape and fence around the yard septic tank is a huge improvement! It came out great and certainly changes the visual appearance of the yard and of our street. Thanks for getting this done to improve the neighborhood. It looks great!

Debbie Proctor

Sr. Project Manager

E dproctor@brph.com | C 321-474-5848



5700 North Harbor City Blvd. Suite 400 | Melbourne, FL 32940 | AR95381

CREATIVE IDEAS. PRECISELY DELIVERED.

This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately. Also please do not copy or send this message to anyone else without my consent.

Fence Letter

From: Ashley Tilton (ashleytilton8@gmail.com)

To: perryjwilson@yahoo.com

Date: Monday, December 12, 2022 at 11:27 AM EST

To Whom it May Concern,

I'm writing in regard to the code violation for the vinyl fence at 2411 Nela Ave. We live nearby and drive past this home frequently. We have watched over the past two years as this homeowner has worked hard to transform this property from old and outdated to beautiful and modern, only adding to the value of the community and surrounding homes. The addition of this fence is no exception. Due to the height and close proximity of his drain field, the fence was a necessary addition to prevent erosion and wash out to his beautiful home. I have no issue with this fence in the least. I feel that, along with the plants lining the front of the septic mound, he has found a good solution to *masking the aesthetically unappealing necessity in the front yard.*

Thank you,
Ashley Tilton

Fence Letter

From: Ashley H (ashleyha11@yahoo.com)

To: perryjwilson@yahoo.com

Date: Tuesday, December 13, 2022 at 11:32 PM EST

12/13/2022

Attention: City of Belle Isle

To whom it may concern,

It has recently come to my attention that my neighbors at 2411 Nela Avenue received a code violation for which the city is requiring a hearing.

I am reaching out with my support for the neighbors and the improvements they have recently done to their front yard. There really should be no issue with the installation of the small fence around the septic mound, as a matter of fact, it helps to enhance the property.

The fence in question is on the backside of the septic mound and hardly visible. Paired with the landscaping around the septic area it is a great improvement that benefits both the homeowner and also our neighborhood.

Please reconsider and allow our neighbors to keep their fence.

Sincerely,
Ashley Hall
2419 Nela Ave.

Sent from Yahoo Mail on Android

Fence Letter

From: Pamela Portier (pbportier@icloud.com)

To: perryjwilson@yahoo.com

Date: Tuesday, December 13, 2022 at 04:04 PM EST

Hi Perry,

My understanding is that you've received a code violation for the fence you recently installed around your drainage field hump.

Living directly across the street from you with my office facing your front yard I feel I have a unique perspective on the changes/improvements you've made. I love the fence and the landscaping and feel it drastically improves the aesthetics of your yard. It really looks lovely. I'm not sure I understand why there would be a code issue and hope this is quickly resolved and your fence and landscaping remain as is.

Pam Portier
2410 Nela Ave
Belle Isle

Sent from my iPhone

Fence Letter

From: Marilyn Singer (broker@listrightrealty.com)

To: perryjwilson@yahoo.com

Date: Monday, December 12, 2022 at 02:13 PM EST

Hi Perry, I just wanted to let you know that my sister and her husband were in town this week and we were riding around the neighborhood looking at all the improvements people have been making to their homes and all the fun Christmas decorations. We wanted to let you know that all of us were really impressed with the wall and landscaping that you had done around the septic mound that you have in your front yard. As a Realtor, I can tell you for sure that your improvements alone have significantly increased the value of your home. Thanks for all the improvements you are making to the neighborhood.

Marilyn Singer
Licensed Real Estate Broker
List Right Realty, Inc.
2501 S Bumby Ave.
Orlando, FL 32806
O- 407-888-9484
C- 407-694-7001
www.ListRightRealty.com
LIST IT RIGHT THE FIRST TIME



Virus-free. www.avast.com

Fence letter of support

From: Melody Spence (melodyspence23@gmail.com)

To: perryjwilson@yahoo.com

Date: Wednesday, December 14, 2022 at 11:57 PM EST

To Whom It May Concern,

It has come to my attention that the newly installed fence at 2411 Nela Ave. is at risk of being removed due to a code violation. That would be to the detriment of the property and the neighborhood for several reasons. To my understanding, the fence was installed due to the septic mound beginning to expand further toward the home, and it would stand to reason that it would continue to do so, infringing on the home, and creating further issues.

The fence is less than the height of regular fences and is clearly only surrounding the mound where necessary, and *not on all sides, and as it is a vinyl fence and is white, it blends in seamlessly with the home on the property.* The addition of the plants in the front of the mound has added a much-needed visual upgrade of disguising the mound, which for a long while has been the talk of the neighborhood due to its being easily the largest around.

In my opinion, the mound has been hidden skillfully and tastefully by a quality fence, and to have it removed would once again return it being the eyesore of the community.

I hope that my letter of support for this neighbor's issue as well as other neighbors' letters will help allow the fence to remain for the benefit of our neighborhood and his property.

Melody Spence

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Sr. Project Manager

E dproctor@brph.com | C 321-474-5848



5700 North Harbor City Blvd. Suite 400 | Melbourne, FL 32940 | AR95381

CREATIVE IDEAS. PRECISELY DELIVERED.

This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately. Also please do not copy or send this message to anyone else without my consent.









